

Socialist Democracy In The Soviet Union : Myth and Reality

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To
The Memory of Boris Pasternak

**SOCIALIST DEMOCRACY IN THE SOVIET UNION.
MYTH AND REALITY**

CONTENTS

Preface	...	ix
1. From Lenin-Constitution to Brezhnev-Constitution ...	1	
2. Basic Features of the new Constitution : ... (A) A Socialist state of the whole people. (B) Democratic Centralism. (C) A Planned National Economy. (D) A Parliamentary Form of Government. (E) A Plural Executive. (F) A Federal State. (G) A One-Party State. (H) Direct Democracy. (I) No Separation of Powers. (J) No Power of Judicial Review.	8	
3. The Communist Party : ... (A) Historic role of the Communist Party. (B) Role of the Communist Party in the governmental system. (C) The Communist Party and Democracy.	21	
4. Rights and Duties of Citizens ...	33	
5. Soviet Federation : ... (A) Formal Character of the Soviet Federation. (B) Unreality of the rights of the component Units.	44	
6. The Supreme Soviet : ... (A) Composition. (B) Functions of the Supreme Soviet.	54	
7. The Presidium : ... (A) The Presidium and collective leadership. (B) Position of the Presidium : Constitutional and Real. (C) Functions of the Presidium.	63	
8. The Council of Ministers : ... (A) Composition. (B) Powers and Functions. (C) Position of the Council of Ministers—Constitutional and Real.	73	
9. The Judiciary : ... (A) Ideological Foundation. (B) Organisation. (C) Independence of the Judiciary ?	79	

10. Procurator-General of the USSR.	...	87
11. Foreign Policy	...	91
Appendix 1 : Principles of the Social Structure of the USSR (as outlined in the Constitution) :		99
(A) The Political System. (B) The Economic System. (C) Social Development and Culture.		
Appendix 2 : The Text of the new Constitution		105
Bibliography		157
Index.		159

PREFACE

This short treatise on Soviet Government and Foreign Policy is primarily meant for the under-graduate and post-graduate students of Political Science of all the Indian Universities. Those who are interested in the theory and practice of the Soviet system of government may also find the book readable.

This academic, yet objective, study of the Soviet system of government, brings out its true nature. It is democratic in form, but not in substance. Soviet theoreticians may think otherwise. But the irrefutable fact remains that debates in the national legislature, even on important issues, are extremely formal, often stage-managed, the Press is strictly controlled, and open inquiry into the activities of the government is unthinkable.

This humble author remains bound by an unfailing sense of gratitude to his teacher Prof. Sushil Kumar Sen who always inspired him to read and write (defying the cruel attack of migraine headache almost daily).

Right at this moment, some of his students, to whom also he owes a debt, are very much coming to his mind. They are: Prof. Debidas Nanda (Benaras Hindu University), Prof. Sanghamitra Lahiri (Lady Brabourne College), Prof. Kamal Kumar Chakravarti (Maulana Azad College), Prof. Swadhin Ranjan Dey (Presidency College), Prof. Satyabrata Chakravarti (Vidyasagar College), Prof. Gopinath Dutta (Raja Peary Mohan College), and Sharmila Mukherjee, M.A.

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NIRANJAN BHUINYA

From Lenin-Constitution to Brezhnev-Constitution

"The draft of a new Constitution should clearly reflect the great victories of socialism and state not only the general principles of the socialist system expressing the class essence of our state, but also the basic features of a developed socialist society and its political organisation".—REPORT OF THE CENTRAL COMMITTEE TO THE 25TH C P S U CONGRESS.

Russia, originally Rus, later Rossiya, was for centuries a multi-national state of Eastern Europe and the northern part of Asia. At first it was a loose confederation of principalities. In 1480 it became a sovereign Tsardom governed centrally from Moscow. In 1721 it became an Empire which was destroyed in the Revolution of 1917.

Nicholas II was last of the Russian Tsars. The collapse came suddenly on March 8, 1917. A number of factories in Petrograd were on strike. Their workers came out in the streets with the slogans : "Down with Autocracy" and "Down with War". The demonstrators took over large areas of the capital. Two days later the Emperor ordered the military governor to fire on them. The soldiers refused to use their rifles. Unit after unit went over to the workers.¹

Immediately after the October Revolution (1917) the Russian Soviet Federative Socialist Republic (R S F S R) was established.

Its first Constitution was adopted by the Fifth All-Russian Congress of Soviets on July 10, 1918. The principal architect of this Constitution was Lenin. Therefore, this Constitution came to be known as Lenin-Constitution which provided a model for the constitutions of other Soviet Republics which were set up in the territory of former Czarist Russia.

This Constitution stated the gains of the October Revolution and the political aims of the new regime. It defined the class essence of the Soviet state as a state of the dictatorship of the proletariat. No mention was made of the Communist Party in the Constitution.

Bill of Rights in the Constitution of 1918 guaranteed to all the right of freedom of conscience. But, since the official attitude of the Communist Party towards religion was that religion was not scientific and a threat to the success of the programme of the Party, the Constitution guaranteed freedom of anti-religious propaganda along with the right to propagate religion.

Freedom of Speech and of Press was recognised but limited by a general prohibition against its exercise to the detriment of the programme of socialism. Thus there was no absolute guarantee of non-interference in freedom of speech and of press such as that we find in the American Constitution.

In 1922 the Union of Soviet Socialist Republics was formed following the triumph of the Great October Socialist Revolution. The significance of the triumph of this Revolution is that it "constituted the main political condition for the implementation of the cardinal socio-economic reforms, for fulfilling Lenin's programme on the national question, and for the emergence of the Soviet Republics. The common interests of the working people of various nationalities, who had stepped on to the road of the construction of a new society, and their aspiration towards the unification of efforts and fraternal co-operation found their practical embodiment in the setting up of the USSR as a united multinational state, in December, 1922".

The formation of the USSR was "an event of immense political significance and equally far-reaching socio-economic conse-

quences". It ensured "favourable conditions for the reconstruction of society on a socialist basis, for building up the economies and developing the cultures of all Soviet republics, and for strengthening the defence might and the international standing of the multinational state of working people". (USSR 72).

The Great October Revolution not only overthrew "capitalist and land-owner rule" but also "put an end once and for all the exploitation of man by man, antagonisms between classes and strife between nationalities", created for the first time in the history of mankind a socialist society in which the working class, under the leadership of the Communist Party headed by Lenin, emerged as the leading force.

This called for the adoption of a new Constitution.

Accordingly, on January 31, 1924, the Second All-Union Congress of Soviets adopted the second socialist Constitution. This Constitution which remained in force until 1936, laid down the principles of the formation of a federal socialist state. In this Constitution also no mention was made of the Communist Party although the Party was gradually increasing its hold over the state machinery.

On October 7, the Supreme Soviet of the USSR adopted a new Constitution on Brezhnev's proposal, after, it is reported, a nation-wide discussion on the draft for over a period of nearly four months. It may be recalled that more than forty years back (December 5, 1936) a Constitution was adopted on Stalin's proposal after a widely publicised nation-wide discussion on the draft.

Vyshinsky tells us : "On June 12, 1936, the draft of the USSR Constitution was published and the period for the discussion of it began. In this discussion millions of toilers took part.Hundreds of thousands of written comments, supplements, and corrections came into the central and local government bureaus and newspaper offices.

In the discussion by all the people of the draft of the fundamental law of our state—the Stalin Constitution—Soviet democracy found its most brilliant expression. Only in conditions of a socialist state of workers and peasants is it possible to draw,

many millions of the masses of toilers into the task of working out a constitution”².

But, as it was in the case of the Constitution of 1936, no significant changes were made in the draft of the Constitution of on the basis of the discussion which, it is reported, involved more than eighty percent of the adult population of the country.

What then was this public discussion on such a gigantic scale meant for?

In 1936, it was meant for the adulation of Stalin and for a demonstration of the legitimacy and democratic nature of his regime both at home and abroad. Politically, however, the new Constitution brought about little change in practice. Stalin remained a dictator as before—his power in every field, political and economic, was absolute and unquestioned. Only one political organisation, the Communist Party, remained legal and its dominant role was for the first time given constitutional sanction. After the promulgation of the Constitution not only opposition even dissent was not permitted to manifest itself in speech or writing.

Lenin is reported to have told his colleagues (in December, 1922) that Stalin had concentrated “enormous power in his hands and that it was not certain that he always knew how to use that power with sufficient caution”.³ Subsequent events showed that Lenin’s fear of the emergence of a personal dictatorship was well founded. But it was he who created a mechanism that made personal dictatorship possible.

What about the public discussion on the draft Constitution of

Let us hear from Brezhnev : “The main political result of the nationwide discussion consists in the fact that the Soviet people have said : Yes, this is the Fundamental Law we looked forward to. It truly reflects our gains and our aspirations and hopes, and correctly defines our rights and duties. While formalising what has been achieved, it opens up prospects for further advance in the building of communism”.

The Constitution of 1926 has come to be known as Stalin-Constitution. The Constitution of will be known as

Brezhnev-Constitution. Of course, Brezhnev in his Report to the Central Committee of the CPSU on May 24, 1977, justified the adoption of a new Constitution on the following grounds:

Since 1936 "Major changes of fundamental importance have affected every aspect of the social life of the country. The nation's economy has changed beyond recognition. The country's social make-up has also changed.

With the attainment of mature socialism and with the adoption of the ideological and political positions of the working class by all sections of the population, our state, which was first established as a dictatorship of the proletariat, has grown into a state of the whole people.

Finally, the international position of the Soviet Union, and the entire social and political make-up of the world have also changed drastically.

These are the main reasons and pre-requisites for drawing up a new Constitution of the USSR".

(Report on the Draft Constitution).

It may be recalled that in 1936 also the reasons for the adoption of a new Constitution were almost similar—changes in the economic structure and class composition of Soviet society. In the words of Vyshinsky :

"The complete triumph of the socialist system in all branches of the national economy, the fundamental realisation of socialism, the liquidation of the exploiter classes, the annihilation of man's exploitation by man, the brilliant results in the creation of a union multinational state, the vast cultural conquests, the attraction of the broadest popular masses into the building of the state, the strengthening of revolutionary legality—all these factors evoked the necessity of changing the Constitution of the USSR so that the new Constitution should reflect all the changes which had occurred in the life of the USSR since 1924".

Nobody will question that major changes have taken place in the national economy of the USSR, in the social makeup of the country and in the international position of the Soviet Union.

since 1936. But these changes might have justified necessary amendments in the Constitution that was in force. Certainly they do not justify the adoption of a "new" Constitution with such pomp and publicity.

The Constitution of the United States was drawn up in the background of an agricultural economy. Now the U.S. is the biggest industrial power in the world. In 1789, America was no "power". Now America is the world's mightiest military power. Vital changes have also taken place in the social and political life of the country. But the Constitution that was adopted at the Philadelphia Convention of 1787 is still working. Necessary adjustments have been made from time to time as demanded by changing circumstances by formal amendments, usages, congressional statutes and mostly by judicial interpretations of the Constitution.

"Those who wrote and adopted the Constitution knew that political entities once founded are, like living organisms, in a constant state of tension and change. Knowing this truth, they provided for a flexible document that could be changed in several ways : by amendment, custom, usage and interpretation".⁵

No American political leader could ever think of having a new Constitution because his country's social, economic and political conditions have changed.

Whatever be the explanation of Brezhnev for the adoption of the new Constitution, the fact remains that he wanted to have a Constitution to be known after his name. In his Report to the Central Committee of the CPSU on May 24, Brezhnev explained the significance of the new Constitution for the internal life of the country in the following words :

"Implementation of the new Constitution will make it possible for millions upon millions of Soviet people to become involved even more actively in the management of economic affairs and in the exercise of control over the work of the state apparatus". If this is accepted then it follows that under the previous Constitution the people did not have enough scope to actively participate in the management of economic affairs and to exercise effective control over the work of the state apparatus. But we know that in 1936 Stalin defended his Constitution as providing

for "the most thorough going democracy in the world". In the words of Vyshinsky "Consistent democracy sustained to the end—socialist democracy—characterises the Stalin Constitution".*

May be the present constitution is still more democratic !

The most plausible explanation for the adoption of the new Constitution seems to be this : When a man reaches the peak of his ambition and has apparently nothing more to aspire for, he still wants to carve out a place for him in the history of his country. Khruschev took a move in this direction by trying to have a constitution to be tailored by him. He failed. Brezhnev has succeeded.

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2

Basic Features

"The free development of each is the condition for the free development of all".—MANIFESTO OF THE COMMUNIST PARTY.

A. A SOCIALIST STATE OF THE WHOLE PEOPLE

The new Soviet Constitution of preserves many of the basic provisions of the Constitution of 1936 "for these continue to correspond to the essence of our system and to the pattern of our development" but "enriches these features with a new content corresponding to the requirements of the contemporary epoch."¹ Under the Constitution of 1936, the Union of Soviet Socialist Republics was "a socialist state of workers and peasants", all power being "vested in the working people of town and country as represented by the Soviets of working people's Deputies." (Arts 1 and 3).

Whereas in bourgeois democracies work is a matter of private concern, in the Soviet Union, it is a matter of public concern—"a duty and a matter of honour for every ablebodied citizen." The guiding principle is that of Socialism : "From each according to his ability, to each according to his work." (Art. 12)

If work is a matter of duty, it is a matter of right also. The Constitution (1936) clearly says : "Citizens of the USSR have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality." (Art. 118)

The new Constitution describes the Soviet state as "a socialist state of the whole people, expressing the will and interests of workers, peasants and intelligentsia, the working people of all the nations and nationalities of the country". All power

belongs to the people of the USSR. Accordingly, the Soviets of working people's deputies are renamed as the Soviets of People's Deputies. (Arts 1 and 2)

This change has been necessitated by the change in the social make-up of the country. As Mr. Brezhnev explains :

"The intelligentsia has become truly representative of the people and socialist in outlook. As the people's cultural level rises and as science attains a role of unprecedented importance in the building of communism, the part played by the intelligentsia in the life of our society also grows".

There is in Soviet society to-day a growing social homogeneity. "The firm alliance of the working class, the collective farmers and people's intelligentsia has become still stronger. Distinctions between the main social groups are being gradually erased. The very onward march of life brings all nations and national groups of this country ever closer together. A new historical community, that of the soviet people, has emerged".

The Soviet society is proclaimed to have attained "mature socialism" and all sections of the people have adopted the ideological and political position of the working class. Therefore, the Soviet society which was first established as "a dictatorship of the proletariat, has grown into a state of the whole people".

The Constitution says that "the unbreakable alliance of the workers, peasants and intelligentsia" is the social basis of the USSR. The Soviet society to-day has become homogeneous through the elimination of class differences and of the essential distinctions between town and country and between mental and physical labour. All the nations and nationalities of the USSR have been drawn together. (Art. 19)

Upon the foundation of the fraternal cooperation of all nations and nationalities a developed socialist society has been built in the USSR—a society of mature socialist relations, a society of true democracy which combines the rights and freedoms of citizens with their obligations and responsibility to society. "It is a society in which the law of life is concern of all for the good of each and the concern of each for the good of all."² The Soviet Socialist State promises to give

citizens "more and more real opportunities to apply their creative energies, abilities, and talents, and to develop their personalities in every way" [Art. 20], to eliminate "all arduous physical labour through comprehensive mechanisation and automation of production processes in all branches of the economy" [Art 21], to encourage "co-operatives and other public organizations to provide all types of services for the population" and "the development of mass physical culture and sport" [Art 24], to provide "general education and vocational training for citizens" [Art 25], and "the planned development of science and the training of scientific personnel" [Art 26], and the "development of the professional, amateur and folkarts" [Art 27]. All these provisions are, however, meant to serve the purposes of "the communist education".

B. DEMOCRATIC CENTRALISM

The Soviet Constitutions of 1936 and are both based on the principle of democratic centralism. It was Lenin who first introduced this principle as the correct method of arriving at decisions binding upon the party because it seeks to combine democracy (that is, mass participation in decision-making) with centralism (that is, leadership). "This was supposed to mean the choice of decisions by free discussion among the mass of party members followed by completely united and disciplined action in carrying out the decision once it had been made."³

Lenin sometimes emphasised democracy and sometimes centralism. When he had complete control over the Central Committee of the CPSU he tended to emphasise the importance of centralism, that is, control from above and when he had no such control he tended to emphasise democracy and appealed from his colleagues on the Central Committee to the general party members.

However, Article 3 of the new Constitution defines the principle of democratic centralism in the following words :

"The Soviet state is organised and functions on the principle of democratic centralism, namely the effectiveness of all bodies of state authority from the lowest to the highest, their accountability to the people and the obligation of lower bodies to observe

the decisions of higher ones. Democratic centralism combines leadership with local initiative and creative activity and with the responsibility of each state body and official for the work entrusted to them."

It is maintained that the Soviet political system gives the largest measure of democratic freedom to the people of the country including women and persons serving in the armed forces of the country. Whereas under the Constitutions of 1918 and 1924 many were deprived of the right to vote which had been weighted in favour of the urban workers, election of the higher representative bodies were indirect and there was no provision for secret vote, the Constitution of 1936 proclaimed the suffrage to be universal, direct, equal and secret. All citizens (except those legally certified as insane) having reached the age of 18 were entitled to vote and all citizens having reached the age of 23 were eligible for election to the Supreme Soviet of the USSR.

The present Constitution goes a step further. It declares all citizens having reached the age of 21 to be eligible for election to the Supreme Soviet of the USSR. This, according to Mr. Brezhnev, is a "vivid evidence of our society's concern for and confidence in young people."

But, of the two aspects of the principle of democratic centralism, centralisation seems to overshadow democracy. This is evident from the position of the central government in relation to the Union Republics and of the Communist Party in the life of the Soviet people. While the central government is in a position to exercise effective control over the constituent Republics there is practically no aspect of Soviet life which escapes the control of the CPSU. As Vyshinsky has said :

"The political basis of the USSR comprises—as the most important principle of the worker-class dictatorship—the leading and directing role of the Communist Party in all fields of economic, social and cultural activity."

Even this would not have been objectionable had there been a free play of ideas and opinions. Formally, of course, the Communist Party permits discussion of a problem and expres-

sion of opinions upon it. This is evident from the official version :

"Adherence to the principle of democratic centralism is a reliable guarantee of the Party's unity, a unity which, as Lenin said, consists in discussing a problem, stating and hearing different, opinions, finding out the majority view, expressing it in a decision and scrupulously carrying out the decision."⁴

Actually, however, such discussions and opinions must be related to details. Basic policy matters are not open to discussions and central party leadership is never subjected to any searching criticism. In fact, the Soviet regime is based on that assumption of human infallibility upon which was built up the edifice of the Third Reich of the National Socialists.

The Third Reich was supposed to have survived a millennium. Such was the irony of fate that it did not survive, even a week, the suicide of its creator. It is true that the Communist regime in the Soviet Union passed through many ordeals. But its survival will ultimately depend upon its capability to liberalise its institutions.

C. A PLANNED NATIONAL ECONOMY

The Constitution of a country is built upon its political traditions but it is an expression of its economic system as well. As the Soviet political system is highly centralised so is its national economy. This is evident from Article 11 of the 1936—Constitution which says : "*The economic life of the USSR is determined and guided by the state economic plan.*"

The aim is to increase public wealth, raise the material and cultural standards of the working people, to consolidate the independence of the USSR and to strengthen its defensive capacity.

Chapter 2 of the new Constitution deals with the Economic System. Social ownership of the means of production in the form of state property (belonging to all the people) and collective farm and cooperative property is proclaimed to be the foundation of the economic system of the USSR. Article 16

explains the nature of the Soviet economy in the following words :

"The economy of the USSR is an integral economic complex comprising all the elements of social production, distribution and exchange on its territory.

The economy is managed on the basis of state plans for economic and social development, with due account of the sectoral and territorial principles and by combining centralised direction with the managerial independence and initiative of individual and amalgamated enterprises and other organisations, for which active use is made of management accounting, profit, cost and other economic levers and incentives."

There is nothing fundamentally wrong in a planned national economy. In fact, modern welfare states, irrespective of their political and economic philosophy, have to undertake some planning both at the social and economic level. . The question is the choice between the two alternative modes of planning : Planning by inducement or planning by central direction ? The former does not conflict with democracy. But planning by central direction which necessarily involves coercion does not go well with democracy and it is not going so in the Soviet Union also.

D. A PARLIAMENTARY FORM OF GOVERNMENT

The system of government underlying the present Constitution as it was under the previous one, is parliamentary in form. There is a Council of Ministers of the USSR (before 1946 this was known as the Council of People's Commissars, in that year it was renamed to bring it in line with a western cabinet) which is "responsible and accountable" to a national legislature called the Supreme Soviet of the USSR and in the intervals between its sessions, to its Presidium.

It will be seen that this responsibility is purely formal. There is no scope for the Supreme Soviet of the USSR to play the role of the British House of Commons.

Never in the history of the USSR was any Council of Ministers out-voted in the Supreme Soviet or challenged by it

nor was there any leader (including the premiers) who had been ousted from power because he forfeited the confidence of the people, or of its presumed to be representative body, the Supreme Soviet. Political leaders had been removed from their positions either by force or by political intrigues.

It is now known how Mr. Khruschev was out manoeuvred by Brezhnev-Kosygin combination and forced to resign "on ground of health". The dismissal and disgrace suffered by Mr. Podgorny in 1977 must be very fresh in every body's memory. The dominant position of the CPSU and the absence of an official opposition in the Supreme Soviet makes it incapable of accomplishing anything except the ratification of the decisions arrived at party level.

E. A PLURAL EXECUTIVE

In the Soviet Union, there is no single executive head of the state, such as the Queen of Great Britain, to perform the ceremonial functions of a titular executive. Instead there is a collegial body known as the Presidium of the Supreme Soviet of the USSR which consists of 39 members. The Chairman of this body is popularly known as the President of the USSR.

This collegial body is supposed to signify collective leadership in the Soviet Union. In fact, however, leadership is single and unitary and monopolised by the Secretary of the CPSU. This explains why Mr. Brezhnev held the position of party Secretaryship and that of the President of the Union. The one gave him real power and the other the status and dignity of the head of the state. In the Soviet Union the road to power has always led through the control of the party organisation. Mr. Brezhnev came to power following this road as did his predecessors—Stalin and Khruschev.

F. A FEDERAL STATE

Under the Constitution of 1936, the USSR was "a federal state, formed on the basis of a voluntary union of equal Soviet Socialist Republics". Under the new Constitution the character of the Soviet federation remains the same as before. However, the language expressing its nature is more colourful than before.

Article 70 of the Constitution says :

"The Union of Soviet Socialist Republics is an integral, federal, multinational state formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics.

The USSR embodies the state unity of the Soviet people and draws all its nations and nationalities together for the purpose of jointly building communism".

Whatever be the substance of this expression, it indicates not only the voluntary character of the association of the constituent units but also their cooperation in building communism. This may be taken to express the modern concept of co-operative federalism.

There are four types of constituent units : Union Republics, Autonomous Republics, Autonomous Regions and Autonomous Areas.

Union Republics, fifteen in number, are organised on the basis of nationality. Every Union Republic has its own citizenship and the right to grant republican citizenship and thereby Union citizenship since "Every citizen of a Union Republic is a citizen of the USSR". (Art 33). Each Union Republic has a constitution of its own and is entitled to send 32 Deputies in the upper House of the national legislature —the Soviet of Nationalities.

An Autonomous Republic is a constituent part of a Union Republic. The Autonomous Republics satisfy the desire of smaller national groups to have autonomy in their own affairs. There are in all 20 Autonomous Republics. Sixteen of them are situated in the RSFSR, two in the Georgian Union Republic, one in the Uzbek Union Republic and the other in the Azerbaijan Union Republic. Each Autonomous Republic has a constitution of its own and is entitled to send 11 Deputies to the Soviet of Nationalities.

An Autonomous Region is a constituent part of a Union Republic or Territory. Autonomous Regions are constituted to give autonomy to those racial groups who have a distinct culture

of their own. There are 8 such Regions. Five of them form part of the territory of the RSFSR. The Georgian, Azerbaijan and Tajik Republics include one Autonomous Region each.

* An Autonomous Area is a constituent part of a Territory or Region. There are ten Autonomous Areas today. All of them were set up in the late 1920s and early 1930s to promote the development of the small peoples (the Evenks, Chukchis, Eskimos and others who were on the verge of extinction) of the Russian North.

The Soviet of Nationalities includes 5 Deputies from each Autonomous Region and one Deputy from each Autonomous Area.

The Soviet federation is thus truly a federation of federations.

G. A ONE PARTY STATE

The Communist Party of the Soviet Union is the only political party in the country. In this respect the Soviet Constitution differs from the constitutions of western democracies where the constitution does not name any political party not to speak of giving any party any special recognition. The Constitution of 1936 described the Communist Party as "the vanguard of the working people in their struggle to build communist society" and as "the leading core of all organisations of the working people, both government and non-government".

The new Constitution goes a step further and gives "a detailed description of the leading and guiding role of the Communist Party and clearly defines its place in Soviet Society and the State." Unlike the Constitution of 1936 the new Constitution "treats the subject in greater detail in a separate article".⁵

Karpinsky once observed : "Under the leadership of the Communist Party the Soviet people are marching onward to new achievements in consolidating the might of the Soviet State, completing the building of socialism and effecting the gradual transition to Communism."

Since the Constitution explicitly omits the right to form rival political parties and the Communist Party has constitutional

sanction behind it, it is taken to establish a legal monopoly of the Communist Party.

H. DIRECT DEMOCRACY

The new Constitution preserves intact the political monopoly of the CPSU and it is a big question if democracy can function in a one party state. Nevertheless, the Constitution preserves the formal character of a democracy. Not only this. The Constitution even provides for the institutions of direct democracy—referendum, initiative and recall.

"Bills and other very important matters of state may be submitted for nation wide discussion by a decision of the Supreme Soviet of the USSR or its Presidium taken on their own initiative or on the proposal of a Union Republic." Public organisations have the right to initiate legislation through their All-Union bodies. "Deputies who have not justified the confidence of their constituents may be recalled at any time by decision of a majority of the electors in accordance with the procedure established by law." The Supreme Soviet may conduct a referendum on its own initiative for the enactment of a law. [Arts. 114, 113, 107, 108].

The Constitution of 1936 also provided for the institutions of referendum and recall. But in the history of the USSR never once a Deputy was recalled by his constituents nor a Bill was submitted to referendum. In U.S.A. the Constitution does not provide for the devices of direct democracy. In Switzerland the Constitution provides for them and they are in full play. In USSR these devices are provided for in the Constitution but they remain inoperative.

I. NO SEPARATION OF POWERS

In the USSR there are three distinct organs of government—the legislature, executive and the judiciary. Distinct functions are assigned to each of them. For example, the Constitution says, laws of the USSR shall be enacted by the Supreme Soviet of the USSR, the Council of Ministers of the USSR is empowered to deal with all matters of state administration within the jurisdiction of the USSR, justice in the USSR is administered by the

courts. Inspite of this separation of functions there is no separation of powers in the USSR as we find it in the U.S.A. For example, the power to interpret the laws, a distinctly judicial function, is given to the Presidium of the Supreme Soviet of the USSR, an executive arm of the government.

Soviet theoreticians reject the theory of separation of powers as a bourgeois principle and argue that in bourgeois democracies this may be necessary to check one department by another and thereby to maintain a balance in the governmental system. But in the socialist democracy of the USSR this is absolutely not necessary because in the USSR there is no class conflict and hence no need to limit one branch of government by another. In the USSR all the organs of government work in complete unity towards the supreme goal of furthering the development of socialist democracy.

Vyshinsky observed : "From top to bottom the Soviet social order is penetrated by the single general spirit of the oneness of the authority of the toilers. The programme of the All-Union Communist Party (of Bolsheviks) rejects the bourgeois principle of separation of powers."⁶

It is maintained that Montesquieu developed his theory as a means of limiting the authority of the King of France. In the USSR, on the other hand, there is a growing social homogeneity. Even the distinctions between the main social groups (the working class, the collective farmers, the intelligentsia) are being gradually erased. The onward march of life brings all nations and national groups ever closer together. "A new historical community, that of the Soviet people, has emerged." And all the organs of government work in the same interest, that is, the interest of the Soviet people.

J. NO POWER OF JUDICIAL REVIEW

In a federation the Judiciary normally functions as the guardian of the Constitution. This function, it performs through its power to examine the constitutional validity of laws passed by federal and state legislatures and of the orders issued by federal and state executives. This power is technically known as the power of judicial review.

The USSR is proclaimed to be a federation. But the Supreme Court of the USSR has no such power. The power to interpret the laws of the USSR and to ensure the observance of the Constitution of the USSR has been given to the Presidium.

Power of judicial review is not absolutely necessary in a federation. But there must be some mechanism to ensure that the Constitution remains the supreme law of the land. In Switzerland, the Federal Tribunal has no such power. Nevertheless, the Constitution remains the supreme law of the land. This is ensured through the actual operation of the institutions of referendum and initiative.

Formally the Soviet people are given the power to adopt or reject legislations. But this power had never been used. It is maintained that the new Constitution was adopted after a nationwide discussion on it for about four months. Even if public discussions on the draft of the new Constitution were meaningful, the fact remains that the Constitution was not submitted to the vote of the people.

In the Soviet Union the Constitution which is declared to be the fundamental law of the USSR is not supreme. Since the Communist Party holds monopoly power in all matters that concern the Soviet people, whatever it thinks to be in the best interest of the people, becomes the supreme law of the land and if necessary the Constitution must be subordinated to that. No body can contradict the CPSU.

In this respect the Communists seem to be no better than the National Socialists. They seem to be guided by the same logic as that of the Nazis : "Since we National Socialists are convinced that we are right we cannot tolerate anybody who contends that he is right for if he too is right he must be a National Socialist and if he is not a National Socialist he is simply not right".

This is the assumption of human infallibility upon which is founded the communist regime in the USSR—a vast multinational state spread over two continents with diverse races and racial groups having varied needs and consequently varied thinking too. It is anybody's guess if any such assumption can be valid here.

Attention may be drawn to another unique feature of the Constitution. It grants "the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for progressive social and political, scientific or other creative activity." [Art 38].

There cannot be any right of asylum. If there be any, it is not that important to be guaranteed in the Constitution. Granting asylum to foreigners is a political question to be decided by the government of the day. And normally this is decided in a predominantly political light, keeping in mind the country's interests, particularly overseas interests. Moreover, the term "revolutionary" is also extremely flexible.

Any way Article 38 of the Constitution may be interpreted as an assurance to those who are fighting, with the approval (direct or indirect, secret or open) of the Soviet leaders, for the liberation of their country from oppression and exploitation of one kind or another.

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The Communist Party

"The One-party system is too inflexible. Even in a socialistic economic system it should be possible to have several parties. Several of the peoples' democracies have made such attempts, however feeble."

Andrei Sakharov.

A. HISTORIC ROLE OF THE COMMUNIST PARTY.

The Communist Party of the Soviet Union is the only political party in the country. Since the consolidation of the Revolution no other political party was allowed to exist or compete for the allegiance of the people. All oppositions were ruthlessly eliminated. The Communists claim and hold monopoly power to represent the interests of the proletariat and now of the whole people.

The strategy of the Communist Party is quite frankly stated in the Manifesto of the Communist Party : "The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions".

Here also the Communists draw a close parallel to the National Socialists who also did not allow any of their rivals to exist in Germany and fought many street battles with the Communists and finally overwhelmed them by superior force. They also claimed monopoly right to represent German national interest and that it was safe in their hands. History, however,

proved that it was not. We have yet to see if the interests of the Soviet people are really safe in the hands of the Communists.

In the wake of the Revolution millions were exterminated. Even after the adoption of the Constitution of 1936 suppression of political opponents went on unabated. It was Khruschev who first unmasked Stalin and revealed some of the atrocities committed by him. Thus started a process of destalinisation in the USSR which still continues.

The man whose personality once enveloped a whole nation, whose presence was felt by every individual and whose mere lifting of a finger was enough to compel whole of the USSR to look down, has become an unperson in his own country.

Almost the same thing happened to Khruschev also. He was successful in creating "what to all appearances looked like the most solid and reliable basis for securing his own continuance in power that any party autocrat could wish for. And yet, within little more than six years Khruschev had been suddenly ousted from power, and reduced to that status of living ghost which he himself had devised for defeated political opponents".¹

Mr. Brezhnev in his report at the Plenary Meeting of the Central Committee of the CPSU on May 24, 1977 said :

"We know, comrades, that some of the years following the adoption of the Constitution now in force were darkened by unlawful repressions and violations of the principles of socialist democracy and Leninist norms of Party and state life. This was done in defiance of constitutional provisions. The Party strongly condemned such practices and they must never be repeated."

A hopeful assurance indeed.

Official version of the historic role of the Communist Party in the life of the Soviet people is as follows :

"The Communist Party of the Soviet Union, founded by Lenin, has traversed a path unparalleled in the history of any other political party in the world. It is a path of the heroic

struggle, severe trials and epoch-making triumphs of the working class, of the entire people, the triumphs of socialism and communism.

The Communist Party has led the peoples of Russia through three revolutions—the 1905-07 bourgeois democratic revolution, the February bourgeois democratic revolution of 1917, and the Great October Socialist Revolution—and has guided the Soviet people to the triumph of Socialism. The Party has stood the test of two imperialist wars—the Russo-Japanese War of 1904-05 and the First World War (1914-18). It has led the Soviet people's heroic struggle in the Civil War of 1918-20 and the Great Patriotic War of 1941-1945. Under the Party's leadership, the Soviet people and its Armed Forces have defended the freedom and independence of the Socialist Motherland from the encroachments of a host of enemies".

Such being the role of the Communist Party, certainly it deserves a constitutional sanction to hold the monopoly of political power and to rule the country for eternity !

The position of the CPSU was registered in Article 126 of the Constitution of 1936 as "the vanguard of the working people in their struggle to build communist society" and as "the leading core of all organisations of the working people, both government and non-government."

Article 6 of the Constitution of 1977 treats this subject in greater detail and gives a detailed description of the leading and guiding role of the Communist Party and clearly defines its place in Soviet Society and the state in the following words :

"The leading and guiding force of Soviet society and the nucleus of its political system, of all state organisations and public organisations, is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people. The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of the home and foreign policy of the USSR, directs the great constructive work of the Soviet people, and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism."

At the end of the 19th and the beginning of the 20th century Russia was an agrarian state, masses were illiterate and backward, subjected to oppression and exploitation. Therefore, the task before the Communist Party was to industrialise an agricultural economy, educate an illiterate and backward people in the technical knowledge and skill necessary for an industrial economy. Along with industrialisation agricultural productivity had also to be increased. All these had to be accomplished within a few decades. The task was undoubtedly a gigantic one calling for "infinite fortitude, strain, sacrifice and devotion". Heavy industries were built up, natural resources harnessed, men and women taught the technology of an industrial society. No doubt the people had to pass through a long period of sacrifice in terms of consumer goods. But eventually they reached a stage of development which can compare favourably with any advanced country in the West.

During this period of development the leadership and guidance of the Communist Party was indispensable !

B. ROLE OF THE COMMUNIST PARTY IN THE GOVERNMENTAL SYSTEM.

The role of the Communist Party in the socio-economic life of the people suggests its role in the governmental system of the country. In the Soviet Union the party and the government are completely identified. It is almost impossible to draw a line of division between the Communist Party and the government of the Soviet Union.

Influence of the CPSU over the organs of government in the Soviet Union can be ascertained from the following statements of no less a person than Stalin himself.

(a) "The Party verifies the work of the organs of government and the organs of authority correcting unavoidable mistakes and shortcomings, helping them develop the decisions of the government and trying to guarantee them support of the masses—and not a single important decision is taken by them without corresponding directions of the Party".

(b) "In developing a plan of a given organ of authority—whether along the line of industry and agriculture or that of

building trade and culture—the Party gives general guiding directions defining the character and direction of the work of these organs during the time when these plans are operative.”³

In Great Britain also a government means a party Government and the party in power temporarily controls the House of Commons. But its control is never absolute and its authority is always open to challenge and government is always faced with Her Majesty’s Opposition ready to form an alternative Government if and when the government resigns either on a vote of no-confidence or following defeat in a general election.

How different is the position in the USSR !

The control of the Supreme Soviet by the Communist Party is almost absolute. Most of the Deputies belong to the Communist Party. Indeed, there are some non-party Deputies. But they are there because they are in the good book of the Communist Party. In the Supreme Soviet there is no room for the dissidents. They cannot even secure a nomination. Even the non-party Deputies are not allowed to sit together or to take a united stand. Leaders of the Communist Party direct the policy of the Government and the activities of the Deputies in the Supreme Soviet.

It is unthinkable, therefore, that the Supreme Soviet will ever question the policy of the government or its leaders.

The Presidium of the Supreme Soviet together with the Council of Ministers share the major functions of government and exercise most of the constituent and legislative powers formally assigned to the Supreme Soviet. In the hierarchy of government, however, the Constitution places the Presidium above the Council of Ministers. The Presidium is given the power to revoke decisions and ordinances of the Council of Ministers should they fail to conform to the law and between the sessions of the Supreme Soviet of the USSR relieve individual ministers of their responsibilities and appoint new ministers on the recommendation of the Chairman of the Council of Ministers of the USSR subject to subsequent confirmation by the Supreme Soviet.

In practice, however, any serious difference between the Presidium and the Council of Ministers is unlikely because the leaders of the Communist Party are present in both bodies. Therefore, there is hardly any scope for the Presidium to exercise its nominal authority over the Council. In fact, the removal and appointment of ministers is decided by the Central Committee of the Communist Party rather than by the Presidium of the USSR.

The control of the Communist Party extends not only over the legislative and executive branches of government but over its judicial branch as well. The Communist theoreticians maintain that the so-called independence and impartiality of the courts in bourgeois democracies is a myth, that every court is a class-court and that since the judges of the bourgeois courts come from a particular class they are bound to uphold the interest of that class as against the interest of the masses. In contrast, the judges of the Soviet courts come from the people and since Soviet society is characterised by a growing homogeneity and distinctions between the main social groups have been erased, the judges promote the interest of the masses.

But since the Communist Party is the sole judge of what constitutes the interests of the people, the courts automatically come under the directives of the Communist Party. Vyshinsky once said :

"Neither court nor criminal procedure is or could be outside politics. This means that the contents and form of judicial activities cannot avoid being subordinated to political class aims and strivings".

Under the circumstances only the Soviet judges can tell if they can administer justice without fear or without favour.

Marx never contemplated the Communist Party as an instrument of rule after the Revolution. The theory of revolutionary government involves the idea of the "dictatorship of the proletariat". On one sole occasion Marx asserted that the "dictatorship of the proletariat" would intervene between the conquest of power by the proletariat and the establishment of socialism.

By this Marx did not mean the exercise of "arbitrary power by one party against every one who disagreed with it".

Lenin interpreted the phrase "dictatorship of the proletariat" to justify "unlimited power based on violence and bound by no laws" of the Communist Party in order to ensure the survival of Soviet government against its opponents. "Lenin's peculiar contribution was the use of terroristic means against socialist opponents and the recognition of the need to use terror even against the proletariat in the case of those waverers who were unwilling immediately to accept bolshevik Leadership—the 'semi-proletariat', as Lenin sometimes called it". Thus Lenin not only justified the use of "revolutionary violence" against the bourgeoisie by the toiling masses of workers and peasants but also against the toiling masses in the name of the toiling masses.

Lenin's distinctive views on the role of the Communist Party are expressed in the following words :

"Marxism teaches us that only the political party of the working class, i.e. the communist party is capable of uniting, educating and organizing such a vanguard of the proletariat and of the working masses as is capable of resisting the inevitable petty bourgeois wavering of the masses..... [and] their trade union prejudices".

(C) THE COMMUNIST PARTY AND DEMOCRACY

The one question that is most frequently asked about the Soviet Union is : Does democracy function in the USSR ? or, to put it in other words : Can democracy really function in a one-party state ? No straight-cut answer can be given to this because democracy has no fixed connotation. Nevertheless, some ideas are invariably involved in democracy. The foremost of these is : Democracy is a civilised way of taking things of which the most important element is tolerance.

Is the Soviet political order tolerant of those whose views are opposed to the Marxian dialectic or the principles of Marxism-Leninism ? Unfortunately, however, evidences are very much against.

We know the fate of Boris Pasternak who from 1957 until his death on May 30, 1960, lived in an atmosphere which was offensive to him in many ways. In 1958 he was awarded Nobel Prize for literature for his prose fiction, Doctor Zhivago, which was published in Italy in 1957 after the Soviet periodical *Novy Mir* had rejected it. It was thought that in Doctor Zhivago the alleged aesthete had with breathtaking rashness invaded the political arena and written a polemical indictment of the Russian Revolution and the post Revolutionary regime.

[“Marxism is not sufficiently master of itself to be science. I know no current of thought that is more isolated and further from the facts than Marxism”.

I think collectivisation was a wrong measure and that it failed though the error could not be acknowledged.”—Doctor Zhivago]

The Soviet authorities retaliated by bringing pressure to bear on Pasternak so that he declined the award. Doctor Zhivago certainly makes clear its author’s disillusionment with the Soviet regime and its ideology but it is not a polemic. Like Pasternak’s earlier prose fictions it is religious and poetic, not ideological.⁵

Pasternak’s Translators’ observation on his prose is that “it is exceptionally rich and poetic. Indeed, he makes use of sound and word association in the manner of a poet of genius. His language has a vitality which must be rare in the literature of any country and is perhaps unique in that of Russia”.

Such instances can be multiplied which indicate the extent to which Soviet citizens are entitled to freedom of speech, thought and expression, freedom of the press, freedom to organise in political parties and to criticise the government for its lapses.

In Great Britain and the United States a critic of the existing social and economic order can freely propagate his views through the press and other media of communication. But does a critic of the communist regime in the USSR get similar opportunities to propagate his views?

In that country publishing is carried on by the state and by the Unions and organisations controlled by the state. They

do not publish anything contrary to the principles of Marxism-Leninism. Literateurs are asked to prepare their manuscripts in the light of Marxian philosophy. Abstract artists are condemned as reactionaries. (The term 'reactionary' is freely used to denote those who refuse to toe to the official line of the Communist Party.)

Andrei Sakharov, father of the Russian H-bomb, noble peace prize winner for 1975, told a Swedish correspondent in Moscow that in his country "the newspapers are so uniform that they have already lost a major part of their value as sources of information. For example, if certain facts are reported in the press, they are understandable only to those already initiated, thus presenting a false picture of our life".

In his opinion, intellectual life "simply does not exist" in the USSR. He says. "The role of the intelligentsia is suppressed in an absurd way, materially intellectuals are not much better off than manual workers—a fact that means that they live in a generally anti-intellectual atmosphere and become ideologically repressed". Literature in Soviet society, he feels, "is grey, pompously solemn—in a word, boring".⁶

Those who believe in democracy believe in free thinking also. In the absence of this freedom life must become dull, drab and a complete monotony whatever may be the material comforts of life. This freedom does not exist in a one party state because it believes in uniformity of thinking and derives its strength from conformity to social and political ideas and ruthless suppression of the dissenters.

Since democracy is a civilised way of life there cannot be any room for violence. Human beings will argue with their brains and not with their muscles. Opinions will fight opinions and out of these conflicting opinions will emerge the one that will ultimately prevail by sheer force of logic.

What is the position in the Soviet Union? Let us hear from Bertrand Russell :

"I think it not impossible that, if America were communist and Russia were capitalist, I should still be on the side of America. My reason for siding with America is that there is

in that country more respect than in Russia for the things that I value in a civilised way of life. The things that I have in mind are such as : freedom of thought, freedom of inquiry, freedom of discussion, and humane feeling".

"In America, if you are a genetecist, you may hold whatever view of Mendelism the evidence makes you regard as the most probable, in Russia, if you are a genetecist who disagrees with Lysenko, you are liable to disappear mysteriously. In America, you may write a book debunking Lincoln if you feel so disposed, in Russia, if you write a book debunking Lenin, it would not be published and you would be liquidated. If you are an American economist, you may hold, or not hold, that America is heading for a slump ; in Russia, no economist dare question that an American slump is imminent. In America, if you are a professor of Philosophy, you may be an idealist, a materialist, a pragmatist, a logical positivist, or whatever else may take your fancy, at congresses you can argue with men whose opinions differ from yours, and listeners can form a judgment as to who has the best of it. In Russia you must be a dialectical materialist, but at one time the element of materialism outweighs the element of dialectic, and at other times it is the other way round. If you fail to follow the developments of official metaphysics with sufficient nimbleness, it will be the worse for you. Stalin at all times knows the truth about metaphysics, but you must not suppose that the truth, this year is the same as it was last year.

In such a world intellect must stagnate, and even technological progress must soon come to an end."

In form the Soviet government is parliamentary because the Constitution makes the government, the Council of Ministers of the USSR, responsible and accountable to the Supreme Soviet, the legislature of the USSR. In essence, it is not.

It is generally maintained that parliamentary government functions best when there is an organised opposition in the legislature. "What keeps the government on the proper path is the fear that if it misgoverns there is an alternative goyernment to replace it." This presupposes at least two major political parties.

Moreover, in a one party state, there is no room for free choice of representatives. In the absence of this freedom "universal, equal, and direct suffrage by secret ballot" becomes meaningless.

The communist theoreticians seek to meet these arguments by saying that bourgeois parliamentary democracies may need several political parties to represent conflicting class interests of their societies. But in the USSR there are no such conflicts, and therefore, no need for several political parties. One political party, that is, the CPSU as "the nucleus of its political system" is enough to lead and guide the people "on the road to communism".

Such a line of argument, even if we assume it to be valid, does not settle the question conclusively. Since there is no class conflict in Soviet society, we may accept for argument's sake that there is no need for several political parties. But this does not discount the necessity of an effective opposition in the Supreme Soviet to furnish the inquiry and criticism which alone keeps the government on the path of rectitude. In the absence of such an opposition there is every reason to apprehend that a party government, even if it does not degenerate into autocracy, may afford to ignore, or to be indifferent to, the aggregate interests of the people and discriminate in favour of party members.

Mr. Brezhnev in his Report on the draft of the new Constitution observed : "The Party has no other interests at heart but the interests of the people. To try to counterpose the Party to the people by talking about the "dictatorship of the party" is tantamount to trying to separate, say, the heart from the whole body".

We have, however, a different testimony. Andrei Sakharov tells us that Soviet society is characterised by "many injustices", that "True privileges" go to party members. "All leading posts of any importance, such as factory managers, or chief engineers, are only open to party members. Exceptions are extremely rare".

Since a new Constitution has been adopted with greater emphasis on the rights of the citizens with such pomp and publicity, are we to assume that new forces will come into play in Soviet society which will allow the people to think and express themselves freely? Only time can tell.

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Rights And Duties Of Citizens

"In our country, the absolute state socialism has led to a repression of personal initiative.....this checking of personal initiative and freedom has a very negative effect on the quality of life, making life more boring and melancholic than it need be."

Andrei Sakharov

More than two hundred years back the heroes of the American Revolution proclaimed to the world in their famous Declaration of Independence :

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are life, Liberty and the pursuit of Happiness.

That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its foundation on such principles, and organising its powers in such form, as to them shall seem most likely to effect their Safety and Happiness".

This Declaration inspired the French Revolution. This Declaration must have inspired the Russian Revolution too. But the citizens of the USSR do not have the right "to alter or to

abolish" their government and "to institute a new Government" even if the present government becomes destructive of their "Unalienable Rights".

A RIGHTS OF CITIZENS

Nevertheless, the Constitution of 1936 provided "a complex of social and economic rights having to do with the very essentials of the life of the people". [Brezhnev Report, May 24, 1977].

The declaration of these rights was based on the following two assumptions : (a) Socialism has made some progress ; (b) mutually hostile classes no longer exist.

Among these rights were "the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality", the right to rest and leisure, the right to maintenance in old age and also in case of sickness or disability and the right to education. Women were accorded all rights on an equal footing with men in all spheres of economic, government, cultural, political and other social activity. Citizens, irrespective of their nationality and race, were declared to be equal. Freedom of religious worship and freedom of anti-religious propaganda was recognised for all citizens. [Chapter 10].

Right to personal property was also recognised although this right was not treated as a fundamental right. The right of citizens to own, "as their personal property, income and savings derived from work, to own a dwelling house and a supplementary husbandry, articles of household and articles of personal use and convenience" and also the right "to inherit personal property" comes under the Chapter on The Social Structure.

Since "the meaning of these rights has actually become deeper and their practical guarantees broader and more effective" [Brezhnev Report] a new Constitution was found necessary to reflect all this. This Constitution not only proclaims but also guarantees the full enjoyment of social, economic, political and personal rights and freedoms, ensures enlargement of these rights and freedoms of citizens and continuous improvement of their living standards. [Art. 39].

RIGHT TO WORK :

In the previous Constitution right to work was merely stated. In the new Constitution this right is complemented by "the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society." [Art. 40]

The Constitution guarantees the citizens of the USSR that they will receive their pay in accordance with the quantity and quality of their work and not below the state-established minimum.

Right to work is sought to be ensured by "the socialist economic system, steady growth of the productive forces, free vocational and professional training, improvement of skills, training in new trades or professions, and development of the systems of vocational guidance and job placement". [Art. 40].

RIGHT TO MAINTENANCE IN OLD AGE, SICKNESS OR DISABILITY :

The Constitution of 1936 proclaimed the right to maintenance in old age and also in case of sickness or disability. In the new Constitution this right is considered in a broader context. Citizens of the USSR have now "the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the bread winner". [Art. 43].

The Constitution guarantees this right by social insurance of workers, other employees and collective farmers, by allowances for temporary disability, by the provision for retirement pensions, disability pensions and pensions for loss of the bread winners, by care for the elderly and the disabled and by other forms of social security.

Not only this. Citizens of the USSR have now the "right to health protection" ensured by "free, qualified medical care provided by state health institutions", by means to improve the environment, by special care for the health of the rising generation including prohibition of child labour and by other appropriate means.

RIGHT TO REST AND LEISURE :

The new Constitution preserves intact the right of Soviet Citizens to rest and leisure and ensures this right by some concrete measures—"by the establishment of a working week not exceeding 41 hours, for workers and other employees a shorter working day in a number of trades and industries, and shorter hours for night work ; by the provisions of paid annual holidays, weekly days of rest, extension of the network of cultural, educational and health building institutions, and the development on a mass scale of sport, physical culture, and camping and tourism ; by the provision of neighbourhood recreational facilities and of other opportunities for the rational use of free time". [Art. 41].

RIGHT TO EDUCATION :

In the previous Constitution right to education was formulated in general terms. The new Constitution envisages "universal, compulsory secondary education and broad development of vocational, specialised secondary and higher education". Instruction is oriented toward practical activity and production. Provision is made for state scholarships, grants and privileges for students and for self-education. Opportunity to attend a school where teaching is in the native language is free.

RIGHT TO PROPERTY :

In the new Constitution also right to personal property does not come under the Chapter on The Basic Rights, Freedoms and Duties of Citizens of the USSR. It comes under the Chapter on The Economic System. Earned income forms the basis of the personal property which include "articles of every day use, personal consumption and convenience, the implements and other objects of a small-holding, a house and earned savings". Citizens may use plots of land for a subsidiary small-holding, for fruit and vegetable growing or for building an individual dwelling. The state protects the personal property of citizens and the right to inherit it. However, personal property cannot be used as a means of deriving unearned income or employed to the detriment of the interests of society. [Art. 13].

RIGHT TO HOUSING :

Some new rights have been added. For example, under the new Constitution, "Citizens of the USSR have the right to housing. This right is ensured by the development and upkeep of state and socially-owned housing; by assistance for co-operative and individual housebuilding, by fair distribution, under public control, of the housing that becomes available through fulfilment of the programme of building well-appointed dwellings, and by low rents and low charges for utility services". [Art. 44].

On this particular right to housing Brezhnev in his Report to the Central Committee of the CPSU observed : "Our new Constitution will be one of the first in the world to proclaim this right which is vitally important for man". There is no doubt that right to housing will benefit the younger generation particularly the young married couples who cannot live a normal conjugal life except in the privacy of a comfortable dwelling house.

Official Report says : "Most of the new homes are built by the state, and given to the population free of charge. Housing rent, the lowest in the world, has remained unchanged since 1928, despite the vastly improved conveniences and the much greater construction costs. The rent plus utility charges does not exceed 3.5 per cent of the average family budget."

The constitution of a capitalist democracy does not guarantee any economic right to citizens. This is simply for the reason that the state does not own and control the means of production. In the USSR, on the other hand, the foundation of the economic system is socialist ownership of the means of production. "The land, its minerals, waters, and forests are the exclusive property of the state. The state owns the basic means of production in industry, construction, and agriculture; means of transport and communication; the banks; the property of state-run trade organisations and public utilities, and other state-run undertakings; most urban housing; and other property necessary for state purposes". [Art. 11]

The Soviet socialist state, therefore, is in a position to guarantee the economic rights of citizens.

It is to be noted, however, that constitutional guarantee of economic rights means little or nothing at all if the national economy is not sufficiently viable to provide the people with the basic amenities of life. In the United States the Constitution does not guarantee any economic right. But this does not mean that American citizens are less well off than their Soviet counterparts. In the ultimate analysis it will be found that economic well being and standards of living depend not so much upon constitutional guarantee as upon industrial and technological development. Nevertheless it must be admitted that the Soviet Union has reached the highest stage of industrialisation and can provide its people with a fairly good standard of living.

RIGHT TO EQUALITY :

Following the traditions of western democracies the Soviet Constitution also guarantees the equal right of citizens in all fields of economic, political, social, and cultural life. Soviet citizens are equal before law irrespective of their origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other status. "Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt are punishable by law". [Art. 36]

However, like right to property, right to equality also does not come under the Chapter on The Basic Rights, Freedoms, and Duties of Citizens of The USSR. It comes under the Chapter on Citizenship of the USSR. Equality of Citizens Rights.

In the USSR women and men have equal rights not only in employment, remuneration and promotion, in social, political and cultural activity, women are completely equal in their family relations. Marriage is based on the free consent of the woman and the man. The Soviet state seems to be particularly concerned about mothers, expectant mothers and the family. It provides material and moral support for mothers and children in-

cluding paid leaves and other benefits for expectant mothers, allowances for children, benefits for large families and other forms of family allowance and assistance.

Citizens of the USSR are guaranteed inviolability of the person and of the home. "No one may be arrested except by a court decision or on the warrant of a procurator". "No one may, without lawful grounds, enter a home against the will of those residing in it." Law protects the privacy of citizens and of their correspondence, telephone conversations and telegraphic communications. [Arts. 54-56].

These rights are significant in this that they complement the right to the pursuit of happiness. How different life would have been in the Soviet Union if these rights were so real as they are made out to be.

However, the new Constitution introduces a significant change. It does not recognise "anti-religious propaganda" as a fundamental right. Instead Soviet citizens are guaranteed "freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda". The Constitution prohibits incitement of hostility or hatred on religious grounds. [Art. 52].

POLITICAL RIGHTS :

The new Constitution defines the political rights and freedoms of Soviet citizens far more comprehensively than it was done in the previous Constitution. As Mr. Brezhnev has observed : "The right to every Soviet citizen to take part in the administration of state and public affairs is proclaimed and specific forms of such participation are defined." [Report to the Central Committee of the CPSU].

Article 125 of the Constitution of 1936 proclaimed the political rights of citizens which included (a) freedom of speech, (b) freedom of the press, (c) freedom of assembly, including the holding of mass meetings ; (d) freedom of street processions and demonstrations.

These rights are reiterated in full in the new Constitution.

But the constitutional guarantees of the rights of the individual are considerably broadened by the right of citizens "to submit proposals to state bodies and public organisations for improving their activity and to criticise shortcomings in their work," by the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property, and by the right "to lodge a complaint against the actions of officials, state bodies and public bodies", by the right to "compensation for damage resulting from unlawful actions by state organisations and public organisations, or by officials in the performance of their duties". [Arts. 49, 57, 58].

These rights would have gone a long way in building up a true democracy in the Soviet Union had they been really available to the people, and, if available, had the exercise of these rights any impact upon those who formulate the policy of the nation. But, Soviet politicians, although they use "much the same vocabulary of politics found in the democracies" manipulate and revise the forms and procedures to obtain results very different from those sought in western democracies. "The Soviet apparatus of government functions to meet the desires of a small group of self-appointed leaders rather than to provide a mechanism through which the general public can select its own leaders and influence the formulation of policy".¹

However, Mr. Brezhnev, Chairman of the CPSU, President of the USSR and Chairman of the Constitutional Commission, issued an assurance, admitting "unlawful repressions" and "violations of the principles of socialist democracy" during the dark days of Stalinist regime, as if to allay all misgivings about the reality of the rights of citizens in the following words :

"Every one knows what great work was done by our Central Committee, the USSR Supreme Soviet, and the Soviet Government in improving Soviet laws and creating firm guarantees against any kind of infringements of the rights of citizens, abuse of power, and bureaucratic distortions. As if generalising all these guarantees, the draft emphasises that the observance of the Constitution and the law is held to be the duty of all organs of the state and officials, mass organisation and citizens". [Report on the Draft Constitution, May 24, 1977].

He says further that the improvement and enlargement of the rights of citizens has been possible because a developed socialism has been built up in the USSR.

It will be a lasting benefit not only to citizens of the USSR but to humanity at large if there be no more unlawful repressions, no more violations of the principles held as sacred by all those whose conscience made them rebels against tyranny and oppression in all countries and in all ages.

B. DUTIES OF CITIZENS :

In the Soviet Union rights are inseparable from duties. This is why enumeration of rights is followed by a list of duties. The new Constitution is based on the following assumption. Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state or infringe the rights of other citizens.

Mr. Brezhnev in his Report (May 24, 1977) observed : "Every Soviet citizen should clearly realise that, when all is said and done, the guarantee of one's rights is the strength and prosperity of one's homeland. To this end every citizen should be aware of his responsibility before society and conscientiously fulfil his duty to the state and the people".

In terms of the Constitution "citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations".

In the previous Constitution the list of duties was comparatively brief. Only four articles were devoted to them. Duties were, to abide by the Constitution, to observe the laws, to maintain labour discipline, honestly to perform public duties and to respect the rules of socialist society, to safeguard and fortify public socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of prosperity and culture of all the working people. "Military service in the Armed Forces of the USSR is the honourable duty of citizens of the USSR". "To defend the country is the sacred duty of every citizen of the USSR". [Arts. 130-133].

In the new Constitution the list of duties has been considerably broadened. As many as eleven articles [Arts. 59-69] are devoted to enlist the duties of citizens. These are to observe the Constitution of the USSR and Soviet laws, comply with the standards of socialist conduct, and uphold the honour and dignity of Soviet citizenship. Every able-bodied citizen should work conscientiously in his chosen, socially useful occupation, and strictly to observe labour discipline. Citizens are obliged to preserve and protect socialist property, combat misappropriation and squandering of state and socially-owned property and make thrifty use of the people's wealth. They are under obligations to safeguard the interests of the Soviet state, enhance its power and prestige. Defence of the Socialist Motherland is the sacred duty of every citizen and military service in the ranks of the Armed Forces is an honourable duty of citizens. Every citizen should respect the national dignity of other citizens and strengthen friendship of the nations and nationalities of the multinational Soviet state, respect the rights and lawful interests of other persons, be uncompromising toward anti-social behaviour and maintain public order.

The new Constitution introduces an innovation. It enjoins upon the parents the duty of upbringing their children, training them for socially useful work, and to raise them as worthy members of socialist society. Children are also obliged to care for their parents and help them.

Are we to assume then that until the adoption of the Constitution of 1977 parents were not taking sufficient care in bringing up their children as worthy members of socialist society and children were indifferent to their parents ?

Since the new Constitution defines their mutual obligations, let us hope that from now on parents will properly bring up their children and children will take care of their parents.

This is one instance of the mechanical treatment of human and family relationship under communism. The supreme goal of the Soviet state as indicated in the Preamble to the new Constitution is "to perfect socialist relations and transform them into communist relations, to mould the citizen of communist society".

Protection of nature and conservation of its riches, preservation of historical monuments and other cultural values are the obligations of Soviet Citizens.

The list of duties of citizens does not end here. It imposes upon them an internationalist duty. Article 69 of the Constitution says :

'It is the internationalist duty of citizens of the USSR to promote friendship and cooperation with peoples of other lands and help maintain and strengthen world peace'.

Soviet citizens can fulfil this duty if they are allowed to travel abroad and freely to exchange their views and ideas with citizens of other countries particularly of non-communist countries. In this respect the Soviet society does not seem to be sufficiently liberal.

Mr. Sakharov said : "The isolation from the outside world, the lack of right to travel abroad and to return, both have a bad effect on life here. First of all, it is an infinite tragedy for all those who wish to leave the country for personal or nationality reasons. But it is also a tragedy for those who remain in the country".²

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5

Soviet Federation

"The Soviet Union today is a natural, inevitable state in the development of the state born of the October Revolution—a stage characteristic of mature socialism. Consequently, the tasks of the state institutions, their structure, functions, and work procedure should conform to the stage attained in the development of society.

The new Constitution of the USSR guarantees such conformity".—L. I. Brezhnev.

A. FORMAL CHARACTER OF THE SOVIET FEDERATION

The Union of Soviet Socialist Republics spreads over two continents—Asian and European—covers one seventh of the world's land surface and is the largest country in the world. By population it is third in order of size, after China and India— inhabited by more than a hundred major and minor ethnic groups having different religions, languages and cultures.

The Soviet federation today is made up of fifteen Republics. In 1923 it consisted of only four Republics—Russian, Byelorussian, Ukrainian and Transcaucasian Republic (the latter was a Union of Azerbaijan, Armenia and Georgia). Ukraine, Byelorussia and Transcaucasia were "independent" states, linked with Russian Soviet Federative Socialist Republic (RSFSR) by treaties. But their governments owed their existence to the Red Army and were firmly under the control of the Communist Party.

During and after the Bolshevik Revolution it was accepted in principle that the various racial, linguistic, and religious minorities should have the indubitable right of self-determination, that is, the right to determine their own political future. But the exercise of this right must represent a step toward communism.

Early in 1922, Joseph Stalin, the general secretary of the Communist Party, was instructed as commissar of nationalities, to draw up a plan of federation between these governments. In December 1922, the first Congress of Soviets of the USSR met at Moscow and confirmed the pact for the formation of a federal union. The Constitution of the new state, the USSR was accepted by the Central Executive Committee of the Congress of Soviets on July 6, 1923 and became effective from that date.

As in other federations, the powers of government were nominally divided between the Centre and the constituent Republics. The Centre was given not only the usual powers relating to foreign affairs and defence but also a new power which the founding fathers of the American federation had not even heard of. This was to develop a general plan for the entire national economy. The grant of this power was in conformity with the Marxian theory that a centrally planned economy is far more efficient than an unplanned or free enterprise economy and that only a planned economy can save waste and duplication.

The Centre enjoyed overriding authority over the constituent Republics. No method was available to them to defend themselves against central interference. "Indeed the whole process was little more than an extension of the R.S.F.S.R. constitution to cover the entire area under sovereign control. No real importance could be attached to the affirmation of the right of the republics to secede. The Communist Party, with its rigid discipline and centralised authority, was destined to control each of the constituent states and to cement them more firmly together".¹

The first federal Constitution of 1923, although granted far more economic powers to the federal government than did the Constitution of the United States, did not incorporate any Bill

of Rights such as was done by its American counterpart. No federal electoral law was provided for and it left untouched the civil, criminal, family, land and labour codes and the codes of criminal and civil procedure. However, it provided for a bicameral federal legislature. While one chamber was to represent the people, the other was to represent each national minority group within the USSR.

A new Constitution was adopted on December 5, 1936. It reduced the powers of the constituent Republics, incorporated a new Chapter on the rights and duties of citizens and a Chapter on the electoral system. It also provided that the federal government should establish civil and criminal codes and codes of civil and criminal procedure.

Article 13 of the Constitution described the USSR as "a federal state, formed on the basis of the voluntary union of equal Soviet Socialist Republics".

In the case of the four original members the union was the result of an agreement between local Communist Party members and, therefore, voluntary. The wishes of the local populations did not matter because the Communist Party, as the vanguard of the people, had the unquestionable right to represent their aspirations.

In the case of the Republics of Latvia, Lithuania and Estonia, incorporation took place under threat of military force and local resistance was put down by ruthless police action.

Even then we have to take it for granted that the union was voluntary because resistance to any move taken by the Communist Party is always "profoundly counter-revolutionary" and, therefore, justify the use of force to suppress it.

The Constitution adopted on October 7, 1977, does not introduce any major changes in the nature of the Soviet federation. The reason is furnished by Mr. Brezhnev : 'Experience has fully confirmed the soundness of the basic elements of the federal structure of the USSR. There is no need therefore, to introduce any major changes in the forms of our Soviet socialist federation" (Report on the Draft Constitution, May 24, 1977). At the same time, since the Soviet Union is a multinational

State, the further drawing together of the nations and nationalities has made it necessary to consolidate the federal principles of the state.

This finds expression in the very definition of the USSR as "an integral, federal, multinational state formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics". [Art. 70].

Article 68 of the 1978 Constitution of the R.S.F.S.R. says : "With the aim of successfully building a communist society, strengthening the country's economic and political unity, safeguarding its security and defence, the Russian Soviet Federative Socialist Republic, together with the other Soviet Socialist Republics,has voluntarily united into the Union of Soviet Socialist Republics, a federal multinational state, on the principle of self-determination and on the basis of equality".

The myth of voluntary association is still there as if any of the Union Republics could opt out of the federation if it so desired.

However, the so-called "sovereign rights" of the Union Republics under the Constitution of 1977 are similar to those under the Constitution of 1936. A Union Republic is "a sovereign Soviet socialist state". It has a constitution of its own. This constitution must conform to the Constitution of the USSR and take into account the specific features of the Republic. A Union Republic exercises independent authority on its territory in all matters which do not come under the jurisdiction of the USSR. [Art. 76].

These rights are supplemented by further rights such as the right to take part "in decision-making in the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR, the Government of the USSR, and other bodies of the Soviet Socialist Republics in matters that come within the jurisdiction of the Union of Soviet Socialist Republics", and by the right of the Union Republics to initiate legislation in the Supreme Soviet of the USSR through their higher bodies of state authority. [Arts. 77 and 113].

But the rights of the Union Republics which are more significant and more indicative of their "sovereignty" are as follows :

Article 72 : Each Union Republic shall retain the right freely to secede from the USSR.

Article 78 : The territory of a Union Republic may not be altered without its consent. The boundaries between Union Republics may be altered by mutual agreement of the Republics concerned, subject to ratification by the Union of Soviet Socialist Republics.

Article 80 : A Union Republic has the right to enter into relations with other states, conclude treaties with them, exchange diplomatic and consular representatives, and take part in the work of international organisations.

B. UNREALITY OF THE RIGHTS OF THE COMPONENT UNITS.

Even a very casual examination of these rights will reveal that they are "more imaginary than real". Every modern federation is a closely-knit union. A constituent unit of a federation whatever be the extent of its autonomy is, in fact, the integral part of the Union. It cannot have any foreign policy apart from and independent of that of the Union as a whole. The same is true of the constituent Republics of the Soviet federation. That their right to enter into diplomatic relations with foreign states is unreal will be evident from the fact that no Union Republic has entered into diplomatic relations with other states not even with their communist neighbours. A concrete example will make the point clear. In 1947, the British government requested the Soviet government to convey to the governments of the Ukrainian and Byelorussian Republics a proposal that Great Britain should exchange diplomatic representatives with them. No answer was ever received to this proposal.

The states of the American union do not enjoy this right. They have voluntarily surrendered this right, at the initiation of the Republic, to the federal government as a minimum "to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general

Welfare, and secure the Blessings of Liberty to ourselves and our Posterity".²

An independent foreign policy, if pursued by the states of a federation, will erode the very foundation of such a state and defeat the very purpose for which it is established. The constituent Republics of the USSR have been granted the right to conduct foreign relations with a specific purpose. The purpose was to gain their admission into the U.N. as sovereign states which will enhance the voting strength of the USSR.

We now know of the compromise accepted by F. D. Roosevelt and Winston Churchill under which the Byelorussian and Ukrainian Republics were admitted to U.N. membership along with the USSR. The voting and debating records of these two Soviet Republics confirm the fact that they are no more sovereign and independent than the states of the American Union.

The right of secession is also equally unreal. In fact, "no Soviet right is so unlikely to be realised as the right to secede". Before a Union Republic may hope to secede from the Union two conditions must be fulfilled :

(a) The movement for secession must represent the interest of the workers.

(b) The security of the Soviet Union as a whole must not be sacrificed to the constitutional right of secession.

Therefore, any movement which encourages national consciousness among the minority people will be readily stamped as "bourgeois nationalism" and on the plea of the security of the Soviet Union, it will be ruthlessly suppressed.

It is not unnatural, therefore, that no constituent Republic has so far been able to put this constitutional right to test even.

In fact, there can be no security for a federal union if its component units are allowed freely to secede from it. States of the American federation have no such right and a civil war was necessary to settle this question finally.

It may be observed that emphasis on the unreal right of secession is "part of the larger picture which tends to grant

the component parts of the Soviet Union more prestige and status while depriving them of substance, thus amassing even greater power and control at the top".

The constitutional guarantee of territorial integrity is available only to the Union Republics and Autonomous Republics but not to other lesser autonomous units. In fact, during the Second World War five such units were dissolved.

The Constitution seeks to guarantee equality of the Union Republics by granting them equality of representation in the Soviet of Nationalities and by awarding each one of them a seat in the Council of Ministers of the USSR and a Vice-Chairmanship in the Presidium of the Supreme Soviet.

But this equality is compromised by the presence of a predominantly powerful Republic—the Russian Soviet Federative Socialist Republic (the RSFSR). "By reason of its size and location, as well as its traditional pre-eminence, the RSFSR has clearly been the dominant republic in the federal system, almost indistinguishable at times from the USSR itself".⁸

Apart from these, the Constitution depicts a structure which is "both much more closely-knit and much more centrifugal than is usually the case in federations".⁹

Thus Article 74 of the Constitution lays down : "The laws of the USSR shall have the same force in all Union Republics. In the event of a discrepancy between a Union Republic law and an all-Union law, the law of USSR shall prevail".

The Presidium of the USSR may revoke decisions and ordinances of the Council of Ministers of Union Republics should they fail to conform to the law [Art. 121(7)].

The Council of Ministers of the USSR can issue decisions and ordinances which are binding throughout the USSR [Art. 133].

The Constitutions of Union Republics must conform to the Constitution of the USSR [Art. 76]. This requirement has led the Union Republics to copy the federal Constitution in almost every detail. Boris Topornin writes : "The Constitutions of the Union Republics, adopted in 1978, reproduce

without change the chapters of the Union Constitution on the political and economic systems, social development and culture, the state and the individual, and also many articles in other chapters, including the national-state structure, the principles of the organisation and functioning of state bodies".⁵

Under Article 73 of the Constitution extensive powers have been given to the federal government. These powers relate to external political matters (for example, control over observance of the Constitution of the USSR, and ensurance of conformity of the Constitutions of the Union Republics to the Constitution of the USSR, internal economic matters, the most important of which is "the drafting and approval of the consolidated Budget of the USSR, and endorsement of the report on its execution ; management of a single monetary and credit system ; determination of the taxes and revenues forming the Budget of the USSR ; and the formulation of prices and wages policy" [Art. 73(6)].

The Union Republics exercise their "sovereignty" outside the spheres listed in Article 73.

According to John N. Hazard, "The limited nature of the powers reserved to the republics in the Soviet federal system is most clearly demonstrated in the law governing the budget of the U.S.S.R. Annually, the Supreme Soviet of the U.S.S.R. adopts a budget for the entire Union that is broken down republic by republic in its totals. No republic has its own source of revenue subject to its own control, and no republic can spend on its own institutions any funds except those allocated by the federal budget.

To the outsider who knows the jealousy with which the states in the United States have guarded their budgets from federal encroachment it is evident that one of the bases on which the autonomy that is still maintained by the American states rests is the power of the purse. In relinquishing this power to their federal Government, the republics of the U.S.S.R. have given away the key to much of the independence possible within a federal system".⁶

There is no other country in the world which gives the federal government so much control over the units in the economic

field. Perhaps, this is natural in a state the economy of which "is an integral economic complex comprising all the elements of social production, distribution, and exchange on its territory". [Art. 16].

But it must be admitted that federalism and central planning cannot go together. The close connection between economic and political direction in the Soviet Union has rendered its system of government more unitary than federal.

Moreover, the federal government is the sole judge of its own powers. Since there is no provision for judicial review, no remedy is available to the Union Republics in case the federal government interferes with their autonomy. In other words, the federal government may unilaterally alter the constitutional division of powers between the USSR and its constituent Republics. The presence of their representatives in the Soviet of Nationalities is "a meaningless safeguard" because that body itself is devoid of any real power.

Nevertheless, the Constitution is referred to as Fundamental Law of the USSR. But it is fundamental only in a very restricted sense. In Soviet political theory, dictatorship of the proletariat is unlimited by any law whatever.

As Vyshinsky has said : "The dictatorship of the proletariat is authority unlimited by any statutes whatever". Therefore, the Constitution cannot prescribe the course of the dictatorship of the proletariat. On the other hand, it is the dictatorship of the proletariat which lays down "the legal forms of conduct of which the Constitution is the foremost but by no means the only expression".

Over and above all these considerations must be borne in mind the unique position of the Communist Party in the Soviet Union.

Article 6 of the Constitution lays down : "The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of the home and foreign policy of the USSR, directs the great constructive work of the Soviet people, and imparts a planned, sys-

tematic and theoretically substantiated character to their struggle for the victory of Communism".

The policy determined by the Communist Party must be faithfully carried out by all the governmental agencies, both federal and state. This being so, it matters little whether there exists a federal state or not. It may be safely concluded that a federal state, governed by a unitary, monolithic Party, becomes unitary in practice.

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6

The Supreme Soviet

"Our new Constitution will vividly show the whole world how the socialist state is developing and how it more deeply affirms and further strengthens socialist democracy. It will vividly show what socialist democracy means and wherein lies its essence".

L. I. Brezhnev.

So far as the composition, functions and role of the Supreme Soviet of the USSR are concerned the new Constitution does not make any fundamental departure from the previous Constitution. It remains as before "the highest body of State authority".

A. COMPOSITION :

The Supreme Soviet of the USSR consists of two Houses : the Soviet of the Union and the Soviet of Nationalities. Soviet of the Union is the popular Chamber and is supposed to represent citizens of the USSR in the same manner in which the House Representatives represents American citizens. Soviet of Nationalities, the upper Chamber, is supposed to be representative of the constituent units of the Soviet federation as the Senate of the United States is representative of the constituent states.

Stalin explained the significance of the Soviet of Nationalities in the following words : "The Soviet of the Union represents the general interests of all toilers of the USSR irrespective of

their nationalities. But, in addition to their general interests, the Nationalities of the USSR have also their own particular, specific interests, connected with their own national characteristics. It is not possible to disregard these specific interests. There is an absolute necessity for a special supreme organ which would reflect precisely these specific interests. "There can be no doubt that it would be impossible without such organ to administer such a multinational state as the USSR. Such an organ is the Second Chamber—The Soviet of Nationalities of the USSR"¹.

Under the previous Constitution the Soviet of the Union was elected "by the citizens of the USSR voting by election districts on the basis of one deputy for every 300,000 of the population". [Art. 34] From now on the Soviet of the Union "shall be elected by constituencies with equal population". So far as the Soviet of Nationalities is concerned the basis of representation remains the same : "32 deputies from each Union Republic, 11 deputies from each Autonomous Republic, five deputies from each Autonomous Region, and one deputy from each Autonomous Area" [Art. 110].

The two Houses of the Supreme Soviet however, shall have equal number of Deputies. Prior to the adoption of the new Constitution, membership of the two Houses was almost equal. Although the Constitution did not require it, the Soviet authorities strived for equal membership because this had the obvious political advantage of emphasising the equality of the Chambers. For example, of the 1517 Deputies elected in June 1974, 767 belonged to the Soviet of the Union and 750 to the Soviet of Nationalities. From now on the two Houses of the Supreme Soviet shall have exactly equal number of Deputies. [Art. 110]

Both the Houses of the Supreme Soviet are directly elected by secret ballot on the basis of universal and equal suffrage. Under the previous Constitution the term of office of the Supreme Soviet was four years. The new Constitution extends it to five years.

Supreme Soviet of the USSR shall meet twice a year. The two Houses may meet separately or jointly. Joint sittings shall be presided over alternately by the Chairman of the Soviet of

the Union and the Chairman of the Soviet of Nationalities. Presidium of the Supreme Soviet may convene its special session at its discretion or on the proposal of a Union Republic as under the previous Constitution. But the new Constitution adds that the Presidium may convene a special session of the Supreme Soviet on the proposal of not less than one third of the Deputies of one of the Chambers.

The two Houses have equal rights in all matters the Supreme Soviet is empowered to deal with. "A law of the USSR shall be deemed adopted when it has been passed in each chamber of the Supreme Soviet of the USSR by a majority of the total number of its Deputies". An amendment of the Constitution will also require "a majority of not less than two-thirds of the total number of Deputies of each of its Chambers". [Arts. 114 and 174]

Under the Soviet system of government any serious disagreement between the two Houses of the Supreme Soviet is difficult to imagine. Even then the Constitution (both the old and the new) provides an elaborate procedure for reconciling possible disagreements. Article 115 of the new Constitution says :

"In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the matter at issue shall be referred for settlement to a Conciliation Commission formed by the Chambers on a parity basis, after which it shall be considered for a second time by the Soviet of the Union and the Soviet of Nationalities at a joint sitting".

Under Article 47 of the previous Constitution the Presidium was to dissolve the Supreme Soviet and order new elections in case the two Houses finally disagreed over an issue.

Under the new Constitution however, if the two Houses cannot agree over the disputed issue even at a joint sitting "the matter shall be postponed for debate at the next session of the Supreme Soviet of the USSR or submitted by the Supreme Soviet to a nationwide vote (referendum)".

These elaborate provisions are "quite academic". Since the first Supreme Soviet met in 1937 "there has been no recorded instance in which any decision of the Supreme Soviet has been

reached otherwise than by a completely unanimous vote".⁸ Nevertheless, the constitutional recognition of the possibility and legitimacy of disagreement between the two Houses may be regarded as a hopeful sign of potential toleration of divergent opinions.

B: FUNCTIONS OF THE SUPREME SOVIET

(a) *Electoral function :*

As compared to legislatures in western democracies Supreme Soviet of the USSR has an impressive electoral function. Its two Houses, in a joint sitting, elect a Presidium, a standing body of the Supreme Soviet, form the Council of Ministers of the USSR, elect the Supreme Court and the Procurator-General of the USSR.

(b) *Function as a critic of the government :*

Like parliaments in western democracies Supreme Soviet of the USSR seems to have an important function as the critic of the government. The Constitution says : "Bills and other matters submitted to the Supreme Soviet of the USSR shall be debated by its Chambers at separate or joint sittings".

"A Deputy of the Supreme Soviet of the USSR has the right to address inquiries to the Council of Ministers of the USSR, and to Ministers and the heads of other bodies formed by the Supreme Soviet of the USSR. The Council of Ministers of the USSR, or the official to whom the inquiry is addressed, is obliged to give a verbal or written reply within three days at the given session of the Supreme Soviet of the USSR". [Art. 117]

But the role of the Supreme Soviet as the critic of the government must be very different from that of the British House of Commons. The infrequency with which the Supreme Soviet meets, the brevity of its sessions and the auditorium in which it meets, are all indicative of the way in which business in the Supreme Soviet is conducted. For example, the second session of the Supreme Soviet, elected in March 1962, devoted a total of four working days to long reports and debate on the

Plan and budget for 1963 and to a long report on foreign policy by premier Khruschev. The plan and budget were adopted unanimously and without any criticism. The report on foreign policy was followed by the unanimous adoption by both Houses of an approving resolution.³ This is a typical example of the way the Supreme Soviet works.

In contrast, the British House of Commons spends most of the year carefully examining the legislation proposed by the government, subjecting it to the full fire of criticism for its lapses, and offering alternative proposals, often compelling the government either to drop the proposed legislation or to convince the nation that the legislation it proposes is good for the country. On the other hand, the role of the Supreme Soviet is quite passive. It is to listen to, and approve, the proposals of the government by acclamation, always by unanimous vote and usually without any debate. Such vital matters as the budget, national defence and economic planning are given only routine consideration.

The physical appearance of the Supreme Soviet also indicates that it is "at most a declaratory and ratifying body". In the British House of Commons there are distinctive places for the supporters and opponents of government. Rows of benches facing each other imply that there will always be two opposing groups. The Supreme Soviet of the USSR, on the other hand, meets in a large hall with many rows of desks and chairs. Deputies constitute a solid mass. They sit as an audience ready to listen to the long, sometimes tedious, reports of their party leaders and to adopt an approving resolution "after only a brief and largely pre-arranged debate". Even then the Supreme Soviet was "the highest organ of state power" under the previous Constitution and is "the highest body of state authority" under the new.

(c) *Legislation :*

Like any other legislative body in the world, the most important function of the Supreme Soviet must be the making of laws, that is, formulating the will of the people in terms of law. But the people have no effective way of making their

well known. And the Deputies of the Supreme Soviet maintain prudent silence during its session. Obviously, the Supreme Soviet cannot play any part as "a sounding board for opinion in the country".

Nevertheless, the Constitution gives exclusive power of legislation to the Supreme Soviet. The Supreme Soviet may, however, decide to adopt a law by a nationwide vote (referendum). The Constitution empowers the Supreme Soviet to deal with all matters within the jurisdiction of the USSR. The exclusive prerogatives of the Supreme Soviet include the following : the adoption and amendment of the Constitution of the USSR ; admission of new Republics to the USSR ; endorsement of the formation of new Autonomous Republics and Autonomous Regions ; approval of the state plans for economic and social development, of the Budget of the USSR, and of reports on their execution ; and the institution of bodies of the USSR accountable to it. [Art. 108]

In fact, the Supreme Soviet does not make much legislation. This is done by the Presidium, a standing body of the Supreme Soviet, and the Council of Ministers of the USSR. Both bodies are formally elected by, and accountable to, the Supreme Soviet. The Presidium legislates through promulgation of decrees and adoption of decisions, the Council of Ministers through the issue of decisions and ordinances. These acts of the Presidium and the Council of Ministers are distinguished from those of the Supreme Soviet. Only the acts of the Supreme Soviet are designated as laws or statutes, not the acts of the Presidium or the Council of Ministers. But the decrees, decisions and ordinances of the Presidium and of the Council of Ministers carry the force of law and are binding upon Soviet people and enforceable in courts of law. Therefore, the official description of the Supreme Soviet as the only law-making body bears little relation to political reality.

Even the exclusive prerogatives of the Supreme Soviet are not so exclusive as they are made out to be. For example, by the terms of the previous Constitution and of the present, only the Supreme Soviet can amend the Constitution. Yet, in

October 1945, the Presidium altered the constitutional qualification of a Deputy by raising the minimum age from 18 to 23 by issuing a decree. The Constitution was amended further by giving special representation in the Supreme Soviet to military units stationed abroad. This was also done by the Presidium by issuing a decree. In 1946 election was held under these new rules. But the amendments were not formally ratified by the Supreme Soviet or even presented to it until after the election.

These examples make it abundantly clear that under the Soviet system of government it is not always necessary to strictly follow the terms of the Constitution. Hence the observation of Leonard Schapiro, wherever Soviet legislation may take place it cannot be at the public sessions of the Supreme Soviet.

In practice, however, it makes little difference whether laws are made by the Presidium, the Council of Ministers or the Supreme Soviet because all of them are under the direct control of the Communist Party of the USSR. In reality the Supreme Soviet suffers from all the difficulties which other parliamentary bodies are faced with. The complexities and technicalities of modern legislation are beyond the comprehension of average Deputies. Moreover, as compared to the British Parliament, the burden on the Supreme Soviet must be enormous. It has to take an infinite number of decisions regarding the entire economic life of the nation. An adequate discussion of the policies to be followed in every sector of the economy would require far more time than is required by the British Parliament because in Great Britain (even under Labour Government) most economic activity is still in private hands. Yet, the Supreme Soviet has far less time in which to accomplish its work.

Furthermore, the Supreme Soviet to day has become a body of substantial size. The two Houses of the Supreme Soviet often meet together. It is difficult for a body of more than 1500 members to engage "in serious legislative activity and indeed it does not, except in most formal sense".

Finer has said : "In the whole course of its history since 1937, never once in the Supreme Soviet has there been a single

negative vote, or even a single abstention. In fact the true work of the Supreme Soviet is not in the field of legislation, deliberation and discussion at all, and certainly not in the field of controlling the government".

The real function of the Supreme Soviet as a legislative body is to ratify the decrees of the Presidium issued during the period when it was not in session and to elect the more operational organs of government—the Presidium and the Council of Ministers of the USSR.

(d) *Function to educate and inspire the people :*

Deputies of the Supreme Soviet perform a unique function in educating and inspiring the people in the socialist way of life. Generally, average Deputies have no function except to listen to the plans, programmes and policies of their leaders and to be enthused and inspired by the "rapid, all-round development of the country and steady improvement of the socialist system".

It is a part of their duty to communicate to their constituents something of the enthusiasm aroused in them by their participation in the sessions of the Supreme Soviet. Since the sessions of the Supreme Soviet are very brief, a Deputy is expected to spend most his time in his constituency and carry on his regular employment or duties.

According to Vyshinsky, a Deputy is no professional politician or legislator. "He is a person connected with socialist production, science, and so forth. He is an agent of the bloc of communists and non-party members, a man of lively experience and work, a champion of socialism. He does not "fence" with glittering speeches but strives as a deputy to put all his constructive experience into the creation of laws bound to assure socialism's further strengthening and development".

About the duty of a Deputy Stalin said : "The deputy must know that he is the servant of the people, the emissary of the people in the Supreme Soviet, and he must conduct himself

according to the course set for him by the mandate of the people".

Exactly the same thing is laid down in the new Constitution. It says :

Deputies are the plenipotentiary representatives of the people. Electors give mandates to their Deputies.

"Deputies shall be guided in their activities by the interests of the state, and shall take the needs of their constituents into account and work to implement their electors' mandates". [Art. 102, 103]

In fact, Deputies of the Supreme Soviet do not explain the needs of their constituents to the Government or maintain a careful check on governmental activities. Their duty is to carry back to their constituents the information they receive from their leaders. The sessions of the Supreme Soviet provide an excellent forum from which party leaders (who are at the same time leaders of government) can make policy announcements. Formal approval by the Supreme Soviet gives them weight and its prestige goes a longway in mobilising public support for them.

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The Presidium

"The democratic essence of the Presidium of the Supreme Soviet, and its distinction from all the so-called "heads of states" in capitalist countries, derives from its class essence, from the fact that it is an organ of a socialist state of workers and peasants".

—A. Y. Vyshinsky.

A. THE PRESIDIUM AND COLLECTIVE LEADERSHIP :

The Presidium of the Supreme Soviet of the USSR is a unique political institution. It is unique in the sense that it does not "lend itself to ready classification in western terms". Western democracies, whether parliamentary or presidential, do not make use of such an agency. They are headed by a single person—a king or a President. The Soviet socialist state is headed by "a Collegium President" which under the new Constitution "shall consist of a Chairman, First Vice-Chairman, 15 Vice-Chairmen (one from each Union Republic), a Secretary, and 21 members". [Art. 120].

Under the previous Constitution (as it stood in 1972), composition of the Presidium was slightly different. It consisted of a President of the Presidium of the Supreme Soviet of the USSR, fifteen Vice-Presidents—one from each Union Republic, a Secretary of the Presidium and twenty members of the Presidium of the Supreme Soviet of the USSR. [Art. 48].

Although the Chairman of the Presidium is referred to as the President of the USSR, strictly speaking, he is merely the head of a collegial body. Vyshinsky tells us that he has "no such special rights as characterise individual presidents of bourgeois states. His rights flow out of his position as president of a Collegium institution of socialist authority".

At the time of the adoption of the Constitution of 1936 it was proposed that the President of the Presidium of the Supreme Soviet of the USSR should be elected by the whole population so that he would be on the level of—and able to put himself in opposition to—the Supreme Soviet. Stalin rejected this proposal saying that "the President of the USSR is a Collegium".

Nevertheless, the President occupies a distinctive position in the Soviet Union. Formally he is the highest official of the state. He holds a position which roughly corresponds to that of the Queen of Great Britain and wields much ceremonial, if not real, powers.

"Over his signature are published statutes adopted by the Supreme Soviet of the USSR. He presides at sessions of the Presidium of the Supreme Soviet of the USSR. He signs its laws and other acts, receives in its name accredited emissaries of other states, and oversees the execution of decisions adopted by the Collegium".

The composition of the Presidium is supposed to signify collective leadership in the Soviet Union. The advantages of working together are obvious. But in the Soviet political system there are certain inevitable sources of personal power which can built up one person as the real centre of power. Stalin could build up his personal leadership (or dictatorship?) through an elaborate internal espionage system, secret police, use of force and fraud and ruthless suppression of political opponents (real or imaginary who numbered millions) on trumped up charges of sabotage, treason, espionage, counter-revolutionary conspiracy and the like.

In this way Stalin could make room for his diehard followers both in the party organisation and in the administration whose loyalty and support could be relied upon. These younger

people who stepped into the shoes of their dead predecessors blindly executed the ruthless policy of Stalin for one reason or another—some for fear of being executed or sent to concentration camps in Siberia and some for personal ambition.

Stalin died on March 5, 1953. A few years after his death he was exposed by his successor, his complicity in the murder of Kirov, the First Secretary of the Leningrad Party Organisation and his might have been successor, was openly admitted. The rigours of his regime and the systematic massacre of his colleagues in the Central Committee, many of whom were closest collaborators of Lenin before and after the Revolution, were widely publicised inside Soviet Union and abroad. Thus started a process of destalinisation in Soviet Union.

After the death of Stalin until February 1955, there was, however, a brief period of collective leadership. Khruschev was the First Secretary of the Central Committee of the CPSU and Malenkov was the Chairman of the Council of Ministers. Even this brief period of collective leadership came to an end with the fall of Malenkov in February 1955. It also underlined the position of Khruschev as top man who could take decision on his own and see to it that his decisions were faithfully carried out. In fact, it was Khruschev who proposed the election of Bulganin as chief of government.

Gradually Khruschev drove out Kaganovich, Molotov and other surviving leaders of the Stalin era from the Presidium of the Central Committee of the CPSU.

In a communique issued on June 29, 1957, Malenkov, Kaganovich and Molotov were accused of adopting "anti-party, factional methods" which presumably meant that they had tried to secure the removal of Khruschev. Accordingly, they had been expelled from the Central Committee (and hence automatically from the Presidium) by a unanimous vote of the Central Committee.

Marshal Zukhov, the Minister of Defence, had supported Khruschev at the crucial moment in his conflict with his party

comrades by a show of military force. None of them were allowed to have any public audience. (In western democracies if a Minister is removed from office or resigns himself he has at least an opportunity to explain his position before the people and the Parliament. Dictatorship, for obvious reasons, finds this cumbersome).

Khruschev thus consolidated his position both in the Party and the Government from where he could take instant decisions and summarily remove people from their office following the same pattern (decisiveness, ruthlessness, if not Stalin's reign of terror) established by both Lenin and Stalin.

After June 1957, Zukhov was made a full member of the Presidium and since then he had been "steadily advancing up the ladder of political preeminence". But suddenly he was "relieved of his military post, showered with abuse and expelled from the Central Committee".² This was "a salutary warning to any other leading soldier who might be tempted in future to adopt the role of king maker : and a striking illustration of the truism that there is no room for gratitude in politics".³

In western democracies a political leader has to win popularity for himself and it is upon his popularity that the electoral success of his party largely depends. In the Soviet Union, however, party propaganda machine can manufacture popularity for a particular person. Moreover, there is no organised opposition, no competing opinions and, therefore, no restraint upon exercise of power which publicity and competing opinions alone can provide.

On October 15, 1964, Khruschev resigned from his post as First Secretary and Chairman of the Council of Ministers. Actually, it was a case of removal as unceremonial as that of Malenkov by Khruschev in 1955. L. I. Brezhnev succeeded him as First Secretary and A. N. Kosygin as the Chairman of the Council of Ministers. They gave no reason for the change and nobody even dared to ask, why ? Khruschev was not allowed to make any public statement. Only the propaganda machine put out the allegation that there had been too much personal government.

Pravada, the official mouthpiece of the CPSU accused Khruschev of developing his own cult of personality after his repudiation of Stalin. It said that collective leadership was the most important Leninist principle of the life and activity of the party, the greatest political asset of the CPSU and that it was only on the basis of collective leadership that the growing creative initiative of the party and all the people could be directed and developed.

"The removal of Khruschev which surprised both him and outside observers was effected by a conspiracy of his own proteges. It was supported by the security force whose leaders were rewarded immediately after the coup. The army leaders, if they did not support it, at all events did not resist it."⁴

Whatever might have been the faults of Khruschev, it remains true that his ouster was possible because he lost control over the party apparatus and also because he was abandoned by the K.G.B. (whose authority Khruschev undermined and its officials transferred their allegiance overnight to Brezhnev).

The fall of Khruschev in 1964 made it abundantly clear that in the Soviet Union, to maintain power one has to maintain the unfailing support of the army, the bureaucracy and the police. The moment he finds his position threatened he must strike with the greatest promptness and ruthlessness without any qualm of conscience. This is how Stalin maintained his position right upto the end of his life.

During the period from October 1917, when the first Politburo was constituted, to the end of 1953, there occurred the deaths of nineteen Communist leaders who, at one time or another, were full members of the Politburo. Of these only six (including J. V. Stalin) died natural deaths. Of the remaining thirteen, nine (including N. I. Bukharin and L. P. Beria) were sentenced to death and shot. Two committed suicide to avoid trial and two (S. M. Kitov, L. D. Trotsky) were assassinated.⁵

An American President or a British Prime Minister is never worried about a political coup by the leaders of the army, the bureaucracy or the secret service. The greatest source of his

political power is his popularity. It is not unusual, therefore, that a successful British Prime Minister or an American President has to be a very keen student of public opinion. Threats to power may come from the electorate but never from the army, the bureaucracy or the police.

In the Soviet Union, on the other hand, the key to power is to manipulate its sources—the army, the bureaucracy and the K.G.B.—so as to make them faithfully serve the purposes of the dominant group or the man. This distinction makes the essential difference between western democracies and socialist democracy in the Soviet Union.

Mr. Schapiro maintains that the fall of Khruschev from power was followed by “the period of real collective leadership (as distinct from the fake collective leadership between 1953 and 1955) by the party and the government leaders in joint harness, and in apparent harmony”. The two offices—the General Secretary of the CPSU and the Chairman of the Council of Ministers—were held respectively by Brezhnev and Kosygin and “the two halves of the collective leadership were endeavouring to respect each other’s preserve, and to avoid a repetition of the traditional Soviet form of power struggle”.

But since the removal of Podgorny in 1977 from the office of the President of the Presidium of the Supreme Soviet of the USSR Brezhnev combined in his person the two offices—the First General Secretary of the Party and the President of the Presidium—the one gave him real power, the other, prestige.

(The long political career of the former Soviet President Mr. Nikolai Podgorny has apparently ended with his replacement in the Supreme Soviet by a leading writer. Results of the General Election held on March 4, 1979, showed that the 76-year old Ukrainian had been succeeded in his Moscow electoral district by Mr. Georgy Markov, Secretary of the official Soviet Writers’ Union. He disappeared from public view in May 1977 when he was dropped in disgrace from the Politburo of the Communist Party and the Presidency of the Presidium of the Supreme Soviet⁶. Even then Brezhnev, and for that reason, any other leader cannot hope to revive the Stalinist era and build up a personal dictatorship.

Possibly the greatest contribution of Khrushchev to his country (and for this at least, if not for anything else, he deserves the gratitude of his countrymen) was his repudiation of Stalin which brought in its wake a degree of intellectual freedom (more by the scientists and to a limited extent by the writers and artists). Although every effort is being made to keep liberalisation within limits, it is sure that the process which started with destalinisation cannot be reversed.

B. POSITION OF THE PRESIDIUM :
CONSTITUTIONAL AND REAL :

The two Houses of the Supreme Soviet at a joint sitting elect the Presidium which is accountable to it for all its work. [Art. 119]. Thus, in constitutional terms, the Presidium becomes a creature of the Supreme Soviet. "The Soviet collegium president is distinguished from all capitalist state heads, contrasted in one form or another with the principle of "popular sovereignty", even in the form of bourgeois parliaments so little representative of the actual interests of those who make up the true people".

The Presidium cannot veto the laws adopted by the Supreme Soviet or send back for reconsideration a statute already adopted by the Supreme Soviet as can the President of the United States. A statute adopted by the Supreme Soviet becomes operative without further action. The Presidium does not deliver any message to the Supreme Soviet or direct the course of legislation.

In theory, the Presidium is guided exclusively by the statutes of the Supreme Soviet in exercising all its authority. In reality, however, the position of the Presidium in relation to the Supreme Soviet is just the reverse of what is prescribed in the Constitution.

Governmental policies are announced through the Presidium rather than the Supreme Soviet. The power of the Presidium to issue decrees ranges over a very wide area of subjects. The decrees of the Presidium no doubt require confirmation by the Supreme Soviet. But this requirement does not restrict the

authority of the Presidium because the Supreme Soviet faithfully confirms the decrees of the Presidium without question.

Never once since the adoption of the Constitution of 1936 the Supreme Soviet refused to ratify a decree of the Presidium. In fact, confirmation by the Supreme Soviet is purely a formal affair. All decrees become immediately effective upon promulgation by the Presidium. Sometimes decrees are not submitted to the Supreme Soviet for ratification for years.

In the Soviet system of government the Presidium together with the Council of Ministers share the major functions of Government and exercise "most of the constituent and legislative power nominally assigned to the Supreme Soviet". According to McClosky and Turner "While the Supreme Soviet is largely useful for ideological and propaganda purposes, the Presidium is a working body organised for action rather than appearance".

The Supreme Soviet is a large body which meets briefly and infrequently. In contrast, the Presidium is a small working body which can be called into session quickly. The Presidium is engaged in day to day consideration of state policy. It can act speedily and directly when necessary. Hence the description of the Presidium by Karpinsky as "the highest permanently functioning organ of state power in the Soviet Union."

C. FUNCTIONS OF THE PRESIDIUM :

Articles 121, 122 and 123 of the new Constitution enlist the functions of the Presidium. These may be broadly classified into executive and legislative functions. Among the executive functions are the following :

(a) Institution of military and diplomatic ranks and other special title, conferment of the highest military and diplomatic ranks and other special titles.

(b) Institution of Orders and Medals and honorific titles of the USSR, award of orders and Medals and conferment of honorific titles of the USSR.

(c) Formation of the Council of Defence of the USSR and confirmation of its composition ; appointment and dismissal of the High Command of the Armed Forces of the USSR.

(d) Appointment and recall of diplomatic representatives of the USSR to other countries and to international organisations.

(c) Reception and recall of the diplomatic representatives of foreign states accredited to the USSR.

(f) Proclamation of Martial Law in particular localities or throughout the country in the interests of defence of the USSR.

(g) Granting or deprivation of the citizenship of the USSR and of asylum.

(h) General or partial mobilisation.

(i) Ratification and denunciation of international treaties of the USSR.

The Presidium performs some other important executive functions in between the sessions of the Supreme Soviet. These are the following :

(a) Proclamation of a state of war in the event of an armed attack on the USSR or to meet international treaty obligations relating to mutual defence against aggression.

(b) Approval of changes in the boundaries between Union Republics.

(c) Formation and abolition of Ministries and State Committees of the USSR on the recommendation of the Council of Ministers of the USSR.

(d) Removal and appointment of individual members of the Council of Ministers of the USSR on the recommendation of its Chairman.

The most important legislative functions of the Presidium are the promulgation of decrees, adoption of decisions and amendment of existing legislative acts of the USSR when necessary in between the sessions of the Supreme Soviet. In fact,

in the Soviet Union the great bulk of legislation issues in the first instance from the Presidium in the form of a decree.

The Presidium performs certain ceremonial functions also. These are to name the date of elections to the Supreme Soviet of the USSR and to convene its sessions.

The Presidium functions in a judicial capacity since it has the right to interpret the laws of the USSR. In most countries this power is reserved for the highest judicial body. It issues all-Union acts of amnesty and exercises the right of pardon—a prerogative of the chief executive head of the state—a king or a President. It has to “ensure the observance of the Constitution of the USSR and conformity of the Constitutions and Laws of Union Republics to the Constitution and Laws of the USSR”, “revoke decisions and ordinances of the Council of Ministers of Union Republics should they fail to conform to the law”. [Art. 121(4), (7)].

A study of the functions of the Presidium of the Supreme Soviet of the USSR will justify our observation that the Presidium is a unique political institution, that it does not lend itself to ready classification in western terms.

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The Council of Ministers

"The Soviet order is the maximum of democracy for workers and peasants. At the same time it signifies a break with bourgeois democracy and the rise of a new type of democracy in world history, that is to say, proletarian democracy or the dictatorship of the proletariat".—Stalin.

The Constitution equates the Council of Ministers with the government of the USSR. It is the "highest executive and administrative body of State authority".

A. COMPOSITION :

The Council of Ministers of the USSR consists of a Chairman, First Vice-Chairmen and Vice-Chairmen, Ministers of the USSR and Chairmen of State Committees of the USSR. The Chairmen of the Council of Ministers of Union Republics are its ex-officio members. The Supreme Soviet of the USSR may also include the heads of other bodies and organisations of the USSR in the Council of Ministers on the recommendation of its Chairman.

Composition of the Council of Ministers of the USSR suggests that it is a numerous body which renders it incapable of deliberating and deciding on policy matters. The Constitution, therefore, provides for a smaller standing body known as the Presidium of the Council of Ministers of the USSR. This

body consists of the Chairman, the First Vice-Chairmen, and Vice-Chairmen of the Council of Ministers of the USSR and deals with "questions relating to guidance of the economy, and with other matters of state administration." [Art. 132].

Ministries of the USSR are of two types—All-Union and Union Republican Ministries. They differ in the nature and scope of their functions. All-Union ministries "direct the work of the branches of administration entrusted to them, or exercise inter-branch administration, throughout the territory of the USSR directly or through bodies set up by them". Union-Republican ministries "direct the work of the branches of administration entrusted to them, or exercise inter-branch administration, as a rule, through the corresponding Ministries and State Committees and other bodies of Union Republics, and directly administer individual enterprises and amalgamations of Union subordination". [Art. 135].

The Council of Ministers of the USSR coordinate and direct the work of these two types of ministries. Ministries of the USSR are responsible "for the condition and development of the spheres of administration entrusted to them; within their competence, they issue orders and other acts on the basis of, and in execution of, the laws of the USSR and other decisions of the Supreme Soviet of the USSR and its Presidium, and of decisions and ordinances of the Council of Ministers of the USSR and organise and verify their implementation" [Art. 135].

B. POWERS AND FUNCTIONS :

Powers and functions of the Council of Ministers are enumerated in Article 131 of the Constitution. It is empowered to deal with all matters of state administration within the jurisdiction of the USSR in so far as they do not come within the competence of the Supreme Soviet or the Presidium.

Within its powers the Council of Ministers of the USSR shall :

1. ensure direction of economic, social, and cultural development; draft and implement measures to promote the well-

being and cultural development of the people, to develop science and engineering, to ensure rational exploitation and conservation of natural resources, to consolidate the monetary and credit system, to pursue a uniform prices, wages and social security policy and to organise state insurance and a uniform system of accounting and organise the management of industrial, constructional, and agricultural enterprises and amalgamations, transport and communications undertakings, banks, and other organisations and institutions of Union subsordination ;

2. draft current and long-term state plans for the economic and social development of the USSR, and the Budget of the USSR, and submit them to the Supreme Soviet of the USSR ; take measures to execute the state plans and Budget ; and report to the Supreme Soviet of the USSR on the implementation of the plans and Budget ;
3. implement measures to defend the interests of the state, protect socialist property and maintain public order, and guarantee and protect citizens' rights and freedoms ;
4. take measures to ensure state security ;
5. exercise general direction of the development of the Armed Forces of the USSR, and determine the annual contingent of citizens to be called up for active military service ;
6. provide general direction in regard to relations with other states, foreign trade, and economic, scientific, technical, and cultural cooperation of the USSR with other countries ; take measures to ensure fulfilment of the USSR's international treaties, and ratify and denounce inter-governmental international agreements ;
7. and when necessary, form committees, central boards and other departments under the Council of Ministers of the USSR to deal with matters of economic, social and cultural development, and defence. [Art. 131]

A Presidium, consisting of the Chairman, the First Vice-Chairmen and Vice-Chairmen of the Council of Ministers of the USSR functions as its standing body to deal with questions.

relating to guidance of the economy, and with other matters of state administration. The Council of Ministers issues decisions and ordinances on the basis of, and in pursuance of the laws of the USSR and other decisions of the Supreme Soviet and its Presidium and verifies their execution. Such decisions and ordinances are binding throughout the USSR. The Council of Ministers has the right to suspend execution of decisions and ordinances of the Council of Ministers of Union Republics and to rescind acts of Ministries and State Committees of the USSR and other bodies subordinate to it.

C. POSITION OF THE COUNCIL OF MINISTERS— CONSTITUTIONAL AND REAL :

Formally the position of the Council of Ministers of the USSR corresponds to that of a Cabinet in a parliamentary system of government. It is formed by the Supreme Soviet of the USSR at a joint sitting of the Soviet of the Union and the Soviet of Nationalities. The Council of Ministers is responsible and accountable to the Supreme Soviet and is under obligation to report regularly on its work to the Supreme Soviet. Between sessions of the Supreme Soviet it remains responsible and accountable to a standing body of the Supreme Soviet—its Presidium. In this capacity the members of the Council of Ministers like their counterparts in Great Britain function in a dual role : (a) individually they function as heads of administrative departments and (b) collectively they comprise a single body which performs a wide variety of executive functions.

Soviet constitutional experts maintain that in bourgeois parliamentary democracies the Council of Ministers usually usurps the functions of the legislature, dominates the law-making process and may even dissolve it. In contrast, the Council of Ministers of the USSR is a body entirely subordinate to the Supreme Soviet. It has no control over its sessions or its procedures and its functions are strictly executive and directive in nature and it has no legal power to dissolve the Supreme Soviet.

But this is at best a constitutional and formal position of the Council of Ministers. Its real position is, however, entirely different. In fact, of all the organs of state power in the

USSR, the Council of Ministers is the most important which guides the programme of the Party through the Supreme Soviet. In theory, the Council of Ministers has no power to legislate. In practice, it issues ordinances and decisions which carry the force of law and are effective throughout the territory of the USSR. Of course, these ordinances and decisions are to be issued on the basis, and in pursuance, of the laws of the USSR and other decisions of the Supreme Soviet.

But in the absence of any process of judicial review the validity of these ordinances and decisions cannot be challenged and if they are issued on the basis, and in pursuance, of the laws of the USSR and other decisions of the Supreme Soviet cannot also be verified. In theory the Presidium of the Supreme Soviet can set aside the ordinances and decisions of the Council of Ministers. In practice this is not done because the same men occupy the top offices in both party and government.

Since the Supreme Soviet meets infrequently and that also for a very brief period there is no question of any day to day accountability of the Council of Ministers to the Supreme Soviet. Even when the Supreme Soviet is in session there is no organised opposition to enforce the accountability of the Council of Ministers to the Supreme Soviet. Although Ministers are under obligation to give written or verbal reply to all questions put to them by the Deputies of the Supreme Soviet this has practically no bearing on the achievement of real ministerial responsibility.

The importance of the Council of Ministers stems from two vital facts. First, "Since the sphere of Government in the USSR embraces the whole of the economic life of the country, the Council of Ministers is particularly important". Secondly, "The importance of the Council of Ministers is attested by the fact that its Chairman is deemed, in the West, to be the premier of the Soviet Union, and by the fact that in the past the highest ranking Communist Party official has always held this post. Lenin held it, Stalin held it, and Khruschev, after being First Secretary of the Party, also took the Chairmanship of the Council of Ministers. And it is an index, perhaps, of instability in

the leadership of the Soviet Union if the two top posts in the country, namely, the first Secretaryship of the Communist Party and the Chairmanship of the Council of Ministers, are held by different people. (This has been the situation since 1964, with Brezhnev as the General Secretary of the Party and Kosygin as the Chairman of the Council of Ministers")¹.

The Communists have discovered that they cannot operate a viable dictatorship without an organ capable of acting speedily and decisively to enforce their will. The Council of Ministers seems to be the most appropriate agency for this purpose. Through its control over the vast public bureaucracy it is in immediate contact with the people, and is directly involved in the day to day operation of the state. Its widespread, administrative activities equip it better than any other organ of state power to discover and attend the most important problems of the communist regime.

"Professionally staffed at all levels, it can avail itself of expert knowledge and can organise itself for action as well as deliberation. It also has available a number of agencies to enforce its decrees, including the secret police. The Council of Ministers has with good reason, therefore, emerged as the vital centre of the government, a development that has usually led the Party's highest ranking officials to take ministerial post".²

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The Judiciary

"The Soviet Constitution.....serves and will constantly serve the working people and is a powerful weapon in the fight for socialism".

—V. I. Lenin.

A. IDEOLOGICAL FOUNDATION :

The Soviet judicial system is based on the Marxian theory that every society is a class society and that every court is a class court and an instrument of class domination and that the court seeks to perpetuate the domination of the ruling class. The proclaimed impartiality of the western court, the Soviet leaders argue, is a grand design to cover up the inherent injustices of western societies. They do not admit that western courts are independent of the executive and the legislature. In fact, they are subject to the ever increasing pressures of the party in power and the executive branch of government.

Vyshinsky writes : "Bourgeois theorists strive to depict the court as an organ above classes and apart from politics, acting, supposedly, in the interests of all society and guided by commands of law and justice common to all mankind, instead of by the interests of the dominant class. Such a conception of the court's essence and task is, of course, radically false. It has always been an instrument in the hands of the dominant class, assuring the strengthening of its dominance and the protection of its interests".¹

This point is illustrated by Engels (with reference to the English courts) in the following words : "When a rich man is summoned, or rather invited, into court, the judge expresses regret that the richman had to inconvenience himself and tries in every way to turn the matter to the rich man's advantage ; and if he must, despite every thing, condemn him, he again expresses his infinite regret and so on. The result is a negligible fine which, as he departs, the bourgeois gentleman contemptuously throws on the table. But if some one of the poor has to come before that judge, he is looked upon from the very beginning as guilty. He is shouted at, and all his attempts to justify himself are met by a contemptuous "Oh ! we know these excuses !" "²

On their own part, they openly proclaim that their court "is an instrument of state policy and by no means impartial". In the words of Vyshinsky the courts are "actual levers of the proletarian dictatorship by means of which it assures the fulfilment of its historical tasks, strengthens the socialist legal order, and combats those who violate the laws of Soviet authority".

It is in the light of this attitude towards the judiciary that the Soviet judicial system will have to be studied.

B. ORGANISATION :

Since the structure of the Soviet system of government is federal there is a dual system of courts—one for the federal government and one for the Union Republics and their subdivisions. But this duality is only apparent. In fact, there is only one integrated system of courts. At the apex of the Soviet judicial system stands the Supreme Court of USSR followed in a descending order by the Supreme Courts of the Union Republics, Autonomous Republics, the courts of the Autonomous Regions and the people's courts in the districts.

Article 151 of the new Constitution says : "In the USSR justice is administered only by the courts. In the USSR there are the following courts : the Supreme Court of the USSR, the Supreme Courts of Union Republics, the Supreme Courts of Autonomous Republics, Territorial, Regional, and city courts,

courts of Autonomous Regions, courts of Autonomous Areas, district (city) people's courts, and military tribunals in the Armed Forces".

The Supreme Court of the USSR is the highest judicial body. It "supervises the administration of justice by the courts of the USSR and Union Republics within the limits established by law". It consists of "a Chairman, Vice-Chairmen, Members and people's assessors". The Chairmen of the Supreme Courts of Union Republics are its ex-officio members. It is elected by the Supreme Soviet of the USSR. [Art. 153]. In fact all courts in the USSR are formed on the principle of the electiveness of judges and people's assessors.

People's judges of district (city) people's courts are elected for a term of five years by the citizens of the districts (city) on the basis of universal, equal and direct suffrage by secret ballot. People's assessors of district (city) people's courts are elected for a term of two and a half years at meetings of citizens at their places of work or residence by a show of hands. Higher courts are elected for a term of five years by the corresponding Soviet of People's Deputies. The judges of military tribunals are elected for a term of five years by the Presidium of the Supreme Soviet of the USSR and people's assessors for a term of two and a half years by meetings of servicemen.

Not only that all judges and people's assessors are elected, they may be recalled also. This is clear from Article 152 of the Constitution which lays down : "Judges and people's assessors are responsible and accountable to their electors or the bodies that elected them, shall report to them, and may be recalled by them in the manner prescribed by law".

The Supreme Court of the USSR is primarily an appellate tribunal. But it has original jurisdiction in civil and criminal cases of exceptional political or legal significance. The Court meets in plenary sessions at least once every three months. In its plenary sessions the Procurator-General of the USSR also takes part.

The Court is divided into three collegia : civil, criminal and military. Each collegium hears appeals appropriate to its juris-

diction against decisions of the Republic courts. Appeals against the decisions of the several collegia are heard by the full membership of the Court. The plenum also hears appeals against the decisions of the Supreme Courts of the Union Republics when they contradict federal law or involve the interests of the member Republics.

Under the Soviet system of government it is unlikely for the member Republics to be involved in legal disputes. Nevertheless, the Supreme Court has been given the final power to deal with such disputes.

Though a federal court, the Supreme Court of the USSR has no power of judicial review, that is, it cannot invalidate the statutes of the Supreme Soviet or refuse to enforce them on the ground that they contradict the Constitution. It has not even the power to interpret the statutes of the Supreme Soviet. It is the Presidium of the Supreme Soviet which interprets the statutes. However, the "guiding instructions" issued by the Supreme Court for the operation of the entire legal system and specific cases dealt with by the Court frequently involve the interpretation of statutes.

The highest court in each Union Republic is its Supreme Court. Its powers include supervision of the lower and intermediate courts within the borders of the Union Republic, power to overrule the decisions of the lower courts and to remove a case from the docket of a lower court and assume responsibility itself.

The Supreme Court of a Union Republic has both original and appellate jurisdiction. As a court of original jurisdiction it hears cases too important to be heard by lower courts. As an appellate court it hears appeal against the decisions of the lower courts.

Besides these regular courts, the Soviet judicial system includes "special courts" which until 1957 consisted of military courts, railway transport courts, water transport line courts and correctional labour camp courts. These courts dealt with certain types of offences outside the purview of the ordinary courts.

At present only the military courts remain in existence. These courts are concerned with important political and military crimes and they conduct summary trials, for example, cases are often tried within twenty four hours after the convict has been notified of the charge against him.

Appeals against the decisions of the military courts are rarely available and in areas under martial law are ordinarily prohibited. One distinctive feature of the Soviet military courts is that they are permanently established and function continuously as a separate judicial hierarchy.

In the Soviet Union a distinction is made between the administration of justice and the administration of law. Judiciary is not the guardian of law. This responsibility has been entrusted to the Procurator-General of the USSR. However, the judiciary performs an important educational function. It educates the people in the spirit of devotion to the fatherland and to the cause of socialism.

Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic, Autonomous Region or Autonomous Area or in the language spoken by the majority of the people in the locality. Persons not knowing the language in which court proceedings are conducted are guaranteed the opportunity of fully acquainting themselves with the material of the case through an interpreter. Likewise they are guaranteed the right to use their own language in court. In all courts of the USSR cases are heard in public unless otherwise provided for by law and the accused is guaranteed the right to defence. [Arts. 159, 157, 158].

C. INDEPENDENCE OF THE JUDICIARY ?

Article 155 of the new Constitution says : "*Judges and people's assessors are independent and subject only to the law*".

It is maintained that independence of the judges is ensured by the fact that they cannot be removed from office unless recalled by their electors or sentenced for some crime. In deciding specific cases judges are not subject to any kind of

pressure, influence or inducements. They reach decisions through their inner judicial conviction in strict conformity with the circumstances of the case.

In the words of Vyshinsky : "Only the Soviet court, the court of the socialist worker-peasant state, expressing the will of the entire toiling people of the Soviet Union, is truly independent in the authentic and direct sense of the word. Soviet judges are independent, in as much as the Soviet court, being subordinated only to the law, which sets forth the will of the entire people, is independent of all influences and inducements whatsoever in deciding specific court matters. In arriving at their sentences and decisions, judges are subordinate only to demands of the law, and rely upon their inner judicial conviction formed upon a consideration of all the circumstances of the case. In this sense the Soviet court, the court of the people, the court of the toiling masses, is a genuinely independent court".³

Independence of the judges is "fundamental to all real administration of justice as distinct from arbitrary executive control". In the Soviet Union, however, this fundamental rule is limited by the fact that "Soviet theory does not recognise law as superior to party policy. The policy of the party is repeatedly asserted to be supreme, and therefore, binding on the judges as on every one else. This subjection of the judge to party policy is not regarded as an infringement of the judge's independence by Soviet theorists of law, since all law is regarded as an expression of the will of the people and the party as vanguard of the people can best claim to express that will. (In practice the Central Committee has a special department for Administrative Organs, so called, which is responsible *inter alia* for the control over judges)".⁴

The Soviet court is not an independent organ of government with the power to uphold the supremacy of the Constitution or to defend the rights of the people and to keep the other two branches of government in check. If the court in western democracies is a class court and is obliged to defend the interests of the ruling class the Soviet court is no less a class court and no less obliged to defend the interests of the proletariat as defined

by its vanguard, the Communist Party. The court in its day to day activity is as much guided by the directives of the Communist Party as the other organs of government. In other words, the Soviet court is an instrument of Communist power.

In the words of a former Chief Justice of the Supreme Court of the USSR (Golyakov) the Soviet court is "an instrument of propaganda for Soviet law and the just foundations of our life". The court has to teach the people "how to live, work and behave under the conditions of Soviet society". The Soviet system places great emphasis on the educational tasks of the judge. He has to inspire the people to observe and respect the Soviet law. The judge may do this at his court room sessions or at public meetings.

McClosky and Turner, therefore, observed : "The judge, like any other Soviet official, is a political agent. That he can divorce himself from political policy is considered to be a bourgeois myth. While he may be free from personal pressure, he cannot be independent of the political order in which he functions. No judge, in the Soviet view, can remain apart from the regime's political and economic struggles, nor can he be permitted to express opinions critical of public policy. When Soviet writers claim that a judge is subject only to the law and is free to follow his conscience, they take it for granted that the law is communist law and that the conscience is a communist conscience".⁵

The authors quoted a former Minister of Justice (K. Gorshe-min) who described the Soviet judge as "a responsible political worker, a representative of state authority invested with high powers" who must always "carry out the party line and be vitally concerned over the state of socialist law enforcement".

Therefore, the term "independence" has a different connotation to a Soviet judge than it has to his American counterpart. A Soviet Judge is independent within the narrow limits prescribed by the Communist Party, that is, in ordinary civil and criminal cases. But in cases involving political crimes the judges are far from independent. In deciding such cases they must keep

in mind the programme of the Communist Party and pattern their judgment accordingly. Therefore, a Soviet judge is not an independent, disinterested arbiter.

Western democracies have developed a tradition of non-interference in the affairs of the judiciary by the legislature and the executive. But such interference in the Soviet Union is imperative to maintain the political monopoly of the Communist Party. Of course, direct interference in the day to day functioning of the judiciary is not always necessary because most of the judges themselves are party members.

It may be asked : If political dictatorship is incompatible with judicial independence, then why the Constitution so loudly proclaims that judges are independent and subject only to the law ? The answer is, to win respect for Law and legal procedure among the masses and to give the regime an appearance of legality.

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The Procurator General

"The Procurator-General of the USSR has no counterpart in Western judicial systems".

The office of the Procurator-General of the USSR is an important institution of the political dictatorship of the Communist Party, possibly more important than the Supreme Court itself in ensuring conformity to socialist law and socialist conscience. Article 164 of the new Constitution says : "Supreme power of supervision over the strict and uniform observance of laws by all ministries, state committees and departments, enterprises, institutions and organisations, executive-administrative bodies of local Soviets of People's Deputies, collective farms, cooperatives and other public organisations, officials and citizens is vested in the Procurator-General of the USSR and procurators subordinate to him".

The Constitution of 1977 does not make any departure from the Constitution of 1936 so far as the position, powers and responsibilities of the Procurator-General are concerned. He remains as before "the watchman of socialist legality, the leader of the policy of the Communist Party and Soviet authority, the champion of socialism".¹

As the supreme supervisor of the observance of laws throughout the USSR he has to see to it that not a single organ of authority, not a single state or social organisation either issues

orders or puts into practice measures which are not in conformity with the law. He initiates or investigates criminal matters, comes forward as accuser in court, examines complaints or files protests against unlawful orders of any organ of authority.

Hazard has observed : "To the Western student of the Soviet system, it seems incredible that prosecutors,.....can think in two ways, as a prosecutor and as a defender. Yet the court reports are full of actions brought by prosecutors in the supreme courts of the republics and even before colleges of the Supreme Court of the USSR to set aside a conviction of a trial court. The procedure does not appeal to those accustomed to a system that permits a series of appeals to the highest tribunals in the states of the United States, and sometimes to the Supreme Court of the United States, with the help of a fearless attorney who does not have to rely for his livelihood upon the political party in power. It is for this reason that the right to independent counsel in all cases and the right to appeal to the highest tribunal have been cherished so long in the West. These comprise some of the many marks distinguishing the Soviet system from those in the Western democracies".²

The Constitution defines the powers of the Procurator-General so broadly that he can intervene in almost any phase of the judicial process and state administration. "The Procurator-General and his underlings may be present at any and all sessions of their respective Soviets, secure copies of all orders and other documents issued by executive agencies, and work closely with the MVD (secret police) and all other law-enforcement and corrective institutions".³

The office of the Procurator-General is considered to be a strategic position from which effective control can be exercised over the legal and administrative fields. This explains why the office of the Procurator-General of the USSR is always held by a high ranking member of the Communist Party.

The Supreme Soviet of the USSR appoints the Procurator-General. He remains responsible and accountable to it and between sessions of the Supreme Soviet, to its Presidium. The

Procurator-General of the USSR appoints the procurators of Union Republics, Autonomous Republics, Territories, Regions and Autonomous Regions. The procurators of Autonomous Areas and districts and city procurators are appointed by the procurators of Union Republics, subject to confirmation by the Procurator-General of the USSR [Art. 166].

Under the previous Constitution the term of the Procurator-General of the USSR was seven years and that of all lower-ranking procurators was five years. The new Constitution provides for a uniform term of five years for all procurators from the highest to the lowest.

The agencies of the Procurator's Office exercise their powers independently of any local bodies whatsoever, and are subordinate solely to the Procurator-General of the USSR [Art. 168].

From these provisions of the Constitution the centralised character of the Office of the Procurator-General of the USSR must be clear. The structure of the procuracy is, no doubt, parallel to the courts. But federal principle is not recognised. The procurators of the Union Republics are appointed by the Procurator-General of the USSR without regard to the wishes of the Republics and they are not dependent or responsible to their respective republic-governments. Their sole responsibility is to the Procurator-General of the USSR. This makes him a virtual dictator of one of the most centralised agencies of the USSR.

The basic principles for the organisation of the office of the Procurator-General were formulated by Lenin in 1922. From the principle that a single legality obtaining throughout the Republic and the entire federation Lenin deduced the most important principle for the organisation of the office of the Procurator-General that it must be centralised and completely independent of all local organs of authority.

The purpose was to keep the office of the Procuracy free from the influence of the communist party politicians at the local level. Unlike the judges who are named by the process of election at

the local level and by the appropriate Soviet at higher levels, the procurators from top to bottom are appointed by the Procurator-General of the USSR who in turn is appointed by the Supreme Soviet of the USSR. This has two obvious consequences. First, the procurators remain always subject to the influence of the highest Communist Party officials. Secondly, "they do not have to seek appointment by fawning upon local party bosses, nor need they fear for their jobs if they displease local party bosses who are tending to become local tyrants".

The Procurator-General is not a member of the Council of Ministers of the USSR nor he is under the Minister of Justice or any other minister. He is an "independent" person who is directly responsible to the Supreme Soviet of the USSR but indirectly to the Communist oligarchy and is its immediate agent in the execution of communist legality and of maintaining the stability of laws.

Originally, the office of the Procurator-General of the USSR was not independent. It was attached to the Supreme Court of the USSR. But in 1933 the office was dissociated from the Supreme Court and was constituted as an independent organ to satisfy the requirements of an authoritarian system.

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Foreign Policy

"The October Revolution in 1917 brought into power the Bolsheviks whose Marxist ideology not only prescribed a new leading objective of world revolution but also a new system of knowledge and new strategies of foreign policy".—Joseph Frankel.

Soviet foreign policy is intimately bound up with communist ideology. This is in contrast to the foreign policies of Great Britain and the United States. In both these countries ideologies developed together with other social and political traditions. In the Soviet Union the communist ideology was imposed upon the country in 1917.

The October Revolution in 1917 brought into power the Bolsheviks whose Marxist ideology prescribed new strategies of foreign policy. During the twenties the Soviet rulers were pursuing their goal of world revolution. In the late twenties this goal was replaced by that of building socialism in one country.

Some western experts contend that Soviet foreign policy is still controlled by ideology. Others claim that this is merely a disguise for traditional tsarist policies of infiltration and expansion. Others again try to combine both approaches and study the changes in ideology in actual Soviet practice. However, the fact remains that Soviet foreign policy is characterised by complete control by the Communist Party as in all single-party authoritarian states.¹

Between 1928 and 1941 Soviet foreign policy passed through three fairly distinct stages. At the first stage it was directed towards collaboration with Germany and antagonism to Great Britain and France. At this stage Soviet Union abstained from cooperation with the League of Nations.

At the second stage Soviet Union joined the League of Nations (September 18, 1934—the year Germany left the League). Hitler's rise to power on an outspokenly anti-communist programme led the Soviet Union to conclude military alliances with France and Czechoslovakia and with her eastern neighbours—Poland, Latvia, Lithuania, Estonia and Finland.

The third stage began on August 23, 1939, with the signing of the so-called non-aggression treaty between the Soviet Union and Germany. This was the culmination of Stalin's ambition since 1934 to reach permanent accommodation with Hitler.

The third stage came to an end on June 22, 1941, the day German invasion began. Since then till the end of the Second World War the main concern of Soviet foreign policy was the defence of the Soviet Union. During this period a number of treaties of alliance was signed with the allied governments (including a 20-year treaty of alliance with Great Britain on May 26, 1942).

Normally in a democracy policy matters are left to the decision of the government of the day subject to confirmation by the legislature. They do not find place in the constitution. The new Soviet Constitution, however, devotes a full Chapter on the Foreign Policy of the nation. The constitutional significance of this is, foreign policy is raised to the level of fundamental law.

On the occasion of the 50th anniversary of the USSR the foreign policy of the USSR was officially stated in the following words :

"Soviet foreign policy is a policy of peace and co-operation among nations. It is aimed at ensuring the most favourable international conditions for the building of communism, at con-

solidating the world socialist community, at promoting friendly ties with the independent states in Asia, Africa and Latin America, at supporting the liberation movement, at promoting the peaceful co-existence of states having different social systems, and at maintaining and strengthening world peace.”²

Foreign policy of the USSR as stated in the new Constitution may be summed up in the following words : It is to steadfastly pursue a Leninist policy of peace, strengthen the security of nations and broad international cooperation, to answer international conditions favourable for building communism in the USSR, safeguard the state interests of the Soviet Union, consolidate the positions of world socialism, support the struggle of peoples for national liberation and social progress, prevent wars of aggression, achieve universal and complete disarmament and consistently implement the principle of the peaceful coexistence of states with different social systems.

War propaganda is banned in the USSR.

In the Soviet Union war propaganda was banned in the past as well. This was viewed as a dangerous crime. The new Soviet Constitution closely associates constitutional prohibition of war propaganda to the internationalist duty of Soviet citizens to promote “friendship and cooperation with peoples of other lands and help maintain and strengthen world peace”. (Art. 69).

War propaganda is a crime against humanity. This is why the architects of the U.N. made it a condition of membership of the world body that the applicant state must be “peace-loving”. Therefore, it is difficult to see how a member state can allow its citizens to carry on war propaganda, whether it is constitutionally prohibited or not, without ignoring its obligation of U.N. membership.

In its relations with other states the USSR will observe the following principles : sovereign equality ; mutual renunciation of the use or threat of force ; inviolability of frontiers ; territorial integrity of states ; peaceful settlement of disputes ; non-intervention in internal affairs ; respect for human rights and

fundamental freedoms ; the equal rights of peoples and their right to decide their own destiny ; cooperation among states ; and fulfilment in good faith of obligations arising from the generally recognised principles and rules of international law, and from the international treaties signed by the USSR.

"The USSR, as part of the world system of socialism and of the socialist community, promotes and strengthens friendship, cooperation and comradely mutual assistance with other socialist countries on the basis of principle of socialist internationalism and takes an active part in socialist economic integration and the socialist international division of labour."

[Chapter 4]

In justification of the inclusion of a Chapter on Foreign Policy Mr. Brezhnev told his comrades in the Central Committee of the CPSU :

"Comrades, fundamental changes in the international position of the Soviet Union, the immense growth of its influence in world politics, and the close interrelationship of the internal and external factors of our development have made it necessary to include in the draft Constitution a special chapter on the foreign policy of the USSR. This is the first time such a chapter is being introduced into a Constitution."⁸

But this not as unique as it is made out to be. The goal of our foreign policy is stated in our Constitution under the Directive Principles of State Policy. Article 51 of our Constitution lays down : "The state shall endeavour to (a) promote international peace and security, (b) maintain just and honourable relations between nations, (c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another, and (d) encourage settlement of international disputes by arbitration".

Article 9 of the post-war Constitution of Japan states the foreign policy objectives of the nation. It says : "Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes."

About one thing we must be very clear. The foreign policy of any state is never a settled thing. It has to respond to changes in the course of international politics. World peace may remain the broad objective of the foreign policy of any state. In fact, all states which are members of the U.N. are committed to maintain international peace and security, settlement of international disputes by peaceful means, development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, achievement of international cooperation in solving problems of an economic, social, cultural or humanitarian character, promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.⁴

It is good that the Soviet Union reiterates its obligations under the U.N. Charter through its Constitution.

Nevertheless, the fact remains that the success or failure of foreign policy of any state is judged by its achievement in promoting national interest. Communist states are no exceptions. Inspite of all its international slogans a communist state is also a nationalist state.

Mr. Brezhnev in his election address in 1970 observed : "An important index of success of foreign policy is the state's prestige and the degree of its impact on the course of international developments. This means trust in its word in world affairs. We have every right to declare that in all these indices the Communist Party and the Soviet Government have worthily represented their people on the world scene."

Present policy of peaceful co-existence of states with different social systems behested by Lenin continues to be the cardinal trend of USSR foreign policy. But he issues a warning : "Let nobody mix up our perseverance and consistency in this matter with pacifism, with non-resistance to evil."⁵

Until now the Soviet foreign policy was dominated by its ambition for world domination. Of course, since the end of the Second World War there was no question of conquering

and colonising any country. The Second World War has brought to an end the age of imperialism. But the spirit of imperialism survived the Great War. It now finds manifestations in new forms.

Out of the Second World War the Soviet Union emerged on the world scene as a super power and since then it followed a systematic policy of extending its sphere of influence. Towards this end, the Soviet Union moved in subtle ways—sometimes as a good friend offering liberal financial assistance to fraternal countries and countries of the Third World and sometimes offering political support to a like minded government. But in some cases at least the Soviet Union moved militarily too.

During the second half of 1956 Soviet Union's relations with both Poland and Hungary seriously deteriorated. Revolt broke out in Poland in June and in Hungary in October. In Poland, however, revolt was quickly put down and an alternative communist leadership found out. In Hungary, University students organised on October 23, 1956, a demonstration of sympathy for Poland, made demands for genuine democracy and end of Soviet domination. Huge crowds joined them and on the following day Imre Nagy became the new Prime Minister. Soviet rulers found no alternative to a military conquest. On October 30, Soviet army surrounded the capital of Hungary. The new Prime Minister cabled the U.N., announced the withdrawal of Hungary from Warsaw Treaty Organisation, asked in vain for U.N. help and recognition of Hungary as a neutral state. Fighting ravaged Hungary for about ten more days—a general strike lasted for weeks—160,000 refugees crossed the frontiers. But eventually the Communists were reestablished. Prime Minister Imre Nagy who had been taken prisoner (along with many others), was reportedly hanged in June 1958. Later U.N. resolutions condemned the Soviet intervention.⁶

On August 21, 1968, some 500,000 Soviet troops invaded Czechoslovakia, a member of the Warsaw Pact. The main issue was the overwhelming support enjoyed by the new Czechoslovak leadership headed by A. Dubcek in its plans for liberal reforms which included abolition of censorship, freedom of

debate and independence for the judiciary. Czechoslovakia did not renounce her membership of the Warsaw Treaty Organisation (as did Hungary in 1956) nor her friendship with the Soviet Union. But Soviet leaders were afraid that ideas of liberalism might spread to other communist countries including the Soviet Union. So Dubcek must be replaced by a morepliant leader. Since this was not possible by peaceful means force had to be used. Familiar features of the police state once again emerged in Czechoslovakia.⁷

Soviet military intervention in Afghanistan in December 1979 looked almost like a military takeover although this could not be officially acknowledged. Hitler atleast had no pretensions. He made no secret of his occupation of Rhineland (and its subsequent fortification), of Austria and Sudetenland and Czechoslovakia.

Soviet ambassador to India called on our Foreign Secretary Mr. R. D. Sathe shortly before the midnight of December 27 to tell him that the Soviet Union had sent "a contingent of troops" to Afghanistan at the request of the Afghan leadership to enable it to resist external aggression and interference. But the Soviet ambassador was not in a position to say which Afghan leadership had made the request for Soviet troops—whether it was Mr. Hafizullah Amin, the deposed President or the new regime headed by Mr. Babrak Karmal nor could he say who the external aggressor was.⁸

Government of India, committed to the principles of non-alignment, non-interference by one country in the internal affairs of another and the sovereign right of the people of every country to determine their own destiny free from foreign interference, refused to endorse Soviet action in Afghanistan.

Soviet military actions in Poland, Hungary, Czechoslovakia and in Afghanistan speak for themselves. They show the divergence between the theory and practice of Soviet foreign policy.

Only the other day (15.6.78) the Chinese Senior Vice-Premier, Mr. Teng Hsias-ping accused the Soviet Union, during a meet-

ing with a Thailand-China Friendship Association delegation, of setting Hanoi against Peking as part of Moscow's strategic plan for world domination and its efforts to encircle China.⁹

In November (that is, after the adoption of the new Constitution), the Somali Government abrogated its friendship treaty with the Soviet Union and expelled Soviet experts..

The Chinese Foreign Minister hailed this decision as "resolute and righteous" attitude towards the Soviet Union and compared Soviet policy in the Horn of Africa with "the old Tsar's crime of infiltration and expansion in the Horn of Africa from the late 19th century to the eve of the October revolution".¹⁰

This may not be the last word on the foreign policy of the Soviet Union. But the fact remains that it is the clash of national interest that has involved the world's two giant communist countries not only in wordy duels but in armed confrontation also across their border. These two countries now seem to have reached a position of no return and who knows in the event of a Third World War (Pray God, let there be no more war) the Soviet Union might have to fight its communist brother in a big way with Anglo-American assistance as she had to fight in 1941-1945 "friend" Hitler to whom she was bound by a treaty of non-aggression.

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APPENDIX—1

Principles of Social Structure of the USSR (as outlined in the Constitution)

A. The Political System.

Chapter I of the new Soviet Constitution describes the nature of the Soviet political system. The USSR is a socialist state of the whole people. People include the workers, peasants and intelligentsia and the working people of all the nations and nationalities. The state is an expression of their will and interests.

Power in the USSR belongs to the people. They exercise it through Soviets of People's Deputies to which all other state bodies are accountable. Soviets of People's Deputies constitute the political foundation of the USSR.

The Soviet state is organised on the principle of democratic centralism. It also functions on that principle. Democratic centralism means all bodies of state authority from the lowest to the highest are elected. They are accountable to the people. Lower bodies are under obligation to observe decisions of higher ones. "Democratic centralism combines central leadership with local initiative and creative activity and with the responsibility of each state body and official for the work entrusted to them".

The state and its bodies function on the basis of socialist law, ensure the maintenance of law and order, safeguard the interests of society and the rights and freedoms of citizens. State and public organisations and officials are under obligation to observe the Constitution and laws of the USSR.

The Soviet political system maintains close connection between people and state activities. This is clear from the following provision of the Constitution: "Major matters of state shall be submitted to nationwide discussion and put to a popular vote (referendum)". "The Supreme Soviet of the USSR or its Presidium on their own initiative or on the proposal of a Union Republic may decide to submit bills and other very important matters of state for nation wide discussion.

Article 6 of the new Soviet Constitution is particularly significant in this that it accords special recognition to the CPSU and ensures its political monopoly. The CPSU is the nucleus of Soviet political system, of all state and public organisations. It exists for, and serves, the people. Armed with Marxism-Leninism, the CPSU determines the general perspectives of the development of society, the course of the home and foreign policy, directs the great constructive work of the people, and "imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism".

Articles 7 and 8 of the new Constitution describes the important role of public organisations in Soviet socialist society. Foremost of these organisations are, trade Unions, the All-Union Leninist Young Communist League, and cooperatives. They participate in managing state and public affairs and in deciding political, economic, social and cultural matters.

Work collectives take part in discussing and deciding state and public affairs, matters pertaining to the management of enterprises and institutions, the improvement of working and living conditions, the use of funds allocated both for developing production and for social and cultural purposes and financial incentives. They also take part in planning production and social development, in training and placing personnel. They promote socialist emulation, the spread of progressive methods of work and the strengthening of production discipline. They educate their members in the spirit of communist morality, strive to enhance their political consciousness, raise their cultural level, skills and qualifications.

Article 9 of the Constitution is equally significant. This Article clearly states that the principle direction in the development of the political system of Soviet society is the extension of socialist democracy. This means broader participation of citizens in managing the affairs of society and the state, continuous improvement of the machinery of state, heightening of the activity of public organisations, strengthening of the system of people's control, consolidation of the legal foundations of the functioning of the state and public life, greater openness and publicity, and constant responsiveness to public opinion.

B. The Economic System

The Constitution of a country is built up on its political tradition. It is also an expression of its economic relations. Soviet economic system like its political system is centralised.

Article 11 of the 1936 Constitution clearly states: "The economic life of the USSR is determined and guided by the state economic plan". The purpose of the state economic plan was to increase the wealth of society, raise the material and cultural standards of the working people, strengthen the independence of the USSR and its defence potential.

Chapter 2 of the new Constitution describes the nature of the economic system of the USSR. The foundation of the economic system is socialist ownership of the means of production in the form of state property (belonging to all the people), collective farm and cooperative property. Socialist ownership also embraces the property of trade unions and other public organisations. Socialist property, which is protected by the state, cannot be used for personal gain or other selfish ends.

The common property of the Soviet people is the principal form of socialist property. This includes the land, its minerals, waters and forests, "the basic means of production in industry, construction and agriculture, means of transport and communication, the banks, the property of state-run trade organisations and public utilities, and other state-run undertakings; most urban housing, and other property necessary for state purposes". (Art. 11).

The property of collective farms, other cooperative organisations and of their joint undertakings comprises the means of production and other assets which they require for the purposes laid down in their rules. Collective farms are entitled to free use of their land in perpetuity. However, they are obliged to make effective and thrifty use of the land and to increase its fertility.

Soviet socialist society does not recognise private ownership over the means of production. Instead of private property, the

Constitution recognises the right to personal property. Article 13. of the Constitution says: "Earned income forms the basis of the personal property of Soviet citizens". Personal property includes articles of everyday use, personal consumption and convenience, the implements and other objects of a small holding, a house and earned savings.

The state protects personal property of citizens and their right to inherit it.

Citizens may use plots of land for a subsidiary small holding (including the keeping of livestock and poultry), for fruit and vegetable growing or for building an individual dwelling. The state and collective farms assist citizens in working their small holdings.

However, citizens are required to make a rational use of their land allotted to them. They cannot use their property to serve as a means of deriving unearned income or to employ their property to the detriment of the interests of society.

The labour of the Soviet people, free from exploitation, is the source of the growth of social wealth, the well-being of the people and of each individual. The state controls the measure of labour and consumption in accordance with the principle of socialism: "From each according to his ability, to each according to his work." The state fixes the rate of taxation on taxable income.

The state seeks to transform labour into the prime vital need of every citizen by combining material and moral incentives and encouraging innovation and a creative attitude to work. In Soviet society, status of a person is determined by socially useful work and its results.

The supreme goal of social production is the fullest possible satisfaction of the growing material, cultural and intellectual requirements of the people. The state ensures growth of productivity of labour, raising the efficiency of production, the quality of work, dynamic, planned and proportionate develop-

ment of the economy by relying on the creative initiative of the working people, socialist emulation, scientific and creative technological progress, by improving the forms and methods of economic management.

"The economy of the USSR is an integral economic complex comprising all the elements of social production, distribution and exchange on its territory". The economy is managed on the basis of state plans for economic and social development. Sectoral and territorial principles are taken into account. Central direction is combined with managerial independence, initiative of individual and amalgamated enterprises.

Individual citizens and members of their families are permitted by law to carry on personal work in handicrafts, farming, the provision of services for the public and other forms of activity in the interests of society.

The new Constitution seeks to make citizens of the USSR conscious about an international problem—the problem of improving the human environment and of preserving natural resources. In the USSR the state takes necessary steps to protect and make scientific, rational use of the land, its mineral and water resources, the plant and animal kingdoms, preserve the purity of air and water, ensure reproduction of natural wealth and improve the human environment.

C. SOCIAL DEVELOPMENT AND CULTURE

The unbreakable alliance of the workers, peasants and intelligentsia is the social basis of the USSR. Social homogeneity has been achieved by the elimination of class differences, essential distinctions between town and country, between mental and physical labour. The state helps the all-round development of Soviet society and draws together all the nations and nationalities of the USSR.

The Soviet socialist state is guided by the communist ideal: "The free development of each is the condition of the free development of all". The state offers more and more real opportunities to citizens to apply their creative energies, abilities and talents and to develop their personalities in every way.

The state is committed to improve working conditions, safety and labour protection and the scientific organisation of work, to reduce and ultimately to eliminate all arduous physical labour through comprehensive mechanisation and automation of production processes in all branches of the economy.

Conversion of agricultural work into a variety of industrial work, extension of educational, cultural, and medical institutions, and of trade, public catering, service and public utility facilities in rural localities, transformation of hamlets and villages into well-planned and well-appointed settlement are sought to be achieved through the implementation of consistent programme. Pay levels of the Soviet people and their real incomes are raised through increase in productivity. Social consumption funds are created, growth and just distribution of these funds, with the broad participation of public organisations and work collectives, are ensured to satisfy the needs of Soviet people more fully.

Health protection, social security, trade and public catering, communal services and amenities and public utilities are the responsibilities of the state. Cooperatives and other public organisations are encouraged to provide all types of services for the population. The state encourages the development of mass physical culture and sport.

There is a uniform system of public education in the USSR. General education and vocational training are provided for citizens. Education means "communist education", "intellectual and physical development of the youth" and their training for work and social activity.

The state provides for planned development of science, training of scientific personnel and the introduction of the results of research in the economy and other spheres of life. This is done in accordance with the needs of society.

Cultural wealth of society is protected and augmented by the state. Extensive use is made of such wealth for the moral and aesthetic education of the Soviet people and for raising their cultural level. The state encourages the development of professional, amateur and folk arts in every way.

APPENDIX—2

CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The Great October Socialist Revolution, made by the workers and peasants of Russia under the leadership of the Communist Party headed by Lenin, overthrew capitalist and landowner rule, broke the fetters of oppression, established the dictatorship of the proletariat, and created the Soviet state, a new type of state, the basic instrument for defending the gains of the revolution and for building socialism and communism. Humanity thereby began the epoch-making turn from capitalism to socialism.

After achieving victory in the Civil War and repulsing imperialist intervention, the Soviet government carried through far-reaching social and economic transformations, and put an end once and for all to exploitation of man by man, antagonisms between classes, and strife between nationalities. The unification of the Soviet Republics in the Union of Soviet Socialist Republics multiplied the forces and opportunities of the peoples of the country in the building of socialism. Social ownership of the means of production and genuine democracy for the working masses were established. For the first time in the history of mankind a socialist society was created.

The strength of socialism was vividly demonstrated by the immortal feat of the Soviet people and their Armed Forces in achieving their historic victory in the Great Patriotic War. This victory consolidated the influence and international standing of the Soviet Union and created new opportunities for growth of

the forces of socialism, national liberation, democracy, and peace throughout the world.

Continuing their creative endeavours, the working people of the Soviet Union have ensured rapid, all-round development of the country and steady improvement of the socialist system. They have consolidated the alliance of the working class, collective-farm peasantry, and people's intelligentsia, and friendship of the nations and nationalities of the USSR. Socio-political and ideological unity of Soviet society, in which the working class is the leading force, has been achieved. The aims of the dictatorship of the proletariat having been fulfilled, the Soviet state has become a state of the whole people. The leading role of the Communist Party, the vanguard of all the people, has grown.

In the USSR a developed socialist society has been built. At this stage, when socialism is developing on its own foundations, the creative forces of the new system and the advantages of the socialist way of life are becoming increasingly evident, and the working people are more and more widely enjoying the fruits of their great revolutionary gains.

It is a society in which powerful productive forces and progressive science and culture have been created, in which the well-being of the people is constantly rising, and more and more favourable conditions are being provided for the all-round development of the individual.

It is a society of mature socialist social relations, in which, on the basis of the drawing together of all classes and social strata and of the juridical and factual equality of all its nations and nationalities and their fraternal co-operation, a new historical community of people has been formed—the Soviet people.

It is a society of high organisational capacity, ideological commitment, and consciousness of the working people, who are patriots and internationalists.

It is a society in which the law of life is concern of all for the good of each and concern of each for the good of all.

It is a society of true democracy, the political system of which ensures effective management of all public affairs, ever more active participation of the working people in running the state, and the combining of citizens' real rights and freedoms with their obligations and responsibility to society.

Developed socialist society is a natural, logical stage on the road to communism.

The supreme goal of the Soviet state is the building of a classless communist society in which there will be public, communist self-government. The main aims of the people's socialist state are: to lay the material and technical foundation of communism, to perfect socialist social relations and transform them into communist relations, to mould the citizen of communist society, to raise the people's living and cultural standards, to safeguard the country's security, and to further the consolidation of peace and development of international co-operation.

The Soviet people,
guided by the ideas of scientific communism and true to their revolutionary traditions,
relying on the great social, economic, and political gains of socialism,
striving for the further development of socialist democracy,
taking into account the international position of the USSR as part of the world system of socialism, and conscious of their internationalist responsibility,
preserving continuity of the ideas and principles of the first Soviet Constitution of 1918, the 1924 Constitution of the USSR and the 1936 Constitution of the USSR,

hereby affirm the principles of the social structure and policy of the USSR, and define the rights, freedoms and obligations of citizens, and the principles of the organisation of the socialist state of the whole people, and its aims, and proclaim these in this Constitution.

PRINCIPLES OF THE SOCIAL STRUCTURE AND POLICY OF THE USSR

Chapter 1

THE POLITICAL SYSTEM

ARTICLE 1. The Union of Soviet Socialist Republics is a socialist state of the whole people, expressing the will and interests of the workers, peasants, and intelligentsia, the working people of all the nations and nationalities of the country.

ARTICLE 2. All power in the USSR belongs to the people.

The people exercise state power through Soviets of People's Deputies, which constitute the political foundation of the USSR.

All other state bodies are under the control of, and accountable to, the Soviets of People's Deputies.

ARTICLE 3. The Soviet state is organised and functions on the principle of democratic centralism, namely the electiveness of all bodies of state authority from the lowest to the highest, their accountability to the people, and the obligation of lower bodies to observe the decisions of higher ones. Democratic centralism combines central leadership with local initiative and creative activity and with the responsibility of each state body and official for the work entrusted to them.

ARTICLE 4. The Soviet state and all its bodies function on the basis of socialist law, ensure the maintenance of law and order, and safeguard the interests of society and the rights and freedoms of citizens.

State organisations, public organisations and officials shall observe the Constitution of the USSR and Soviet laws.

ARTICLE 5. Major matters of state shall be submitted to nationwide discussion and put to a popular vote (referendum).

ARTICLE 6. The leading and guiding force of Soviet society and the nucleus of its political system, of all state organisations and public organisations, is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people.

The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of the home and foreign policy of the USSR, directs the great constructive work of the Soviet people, and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism.

All party organisations shall function within the framework of the Constitution of the USSR.

ARTICLE 7. Trade unions, the All-Union Leninist Young Communist League, co-operatives, and other public organisations, participate, in accordance with the aims laid down in their rules, in managing state and public affairs, and in deciding political, economic, and social and cultural matters.

ARTICLE 8. Work collectives take part in discussing and deciding state and public affairs, in planning production and social development, in training and placing personnel, and in discussing and deciding matters pertaining to the management of enterprises and institutions, the improvement of working and living conditions, and the use of funds allocated both for developing production and for social and cultural purposes and financial incentives.

Work collectives promote socialist emulation, the spread of progressive methods of work, and the strengthening of production discipline, educate their members in the spirit of communist morality, and strive to enhance their political consciousness and raise their cultural level and skills and qualifications.

ARTICLE 9. The principal direction in the development of the political system of Soviet society is the extension of socialist democracy, namely ever broader participation of citizens in managing the affairs of society and the state, continuous im-

provement of the machinery of state, heightening of the activity of public organisations, strengthening of the system of people's control, consolidation of the legal foundations of the functioning of the state and of public life, greater openness and publicity, and constant responsiveness to public opinion.

Chapter 2

THE ECONOMIC SYSTEM

ARTICLE 10. The foundation of the economic system of the USSR is socialist ownership of the means of production in the form of state property (belonging to all the people), and collective farm-and-co-operative property.

Socialist ownership also embraces the property of trade unions and other public organisations which they require to carry out their purposes under their rules.

The state protects socialist property and provides conditions for its growth.

No one has the right to use socialist property for personal gain or other selfish ends.

ARTICLE 11. State property, i.e. the common property of the Soviet people, is the principal form of socialist property.

The land, its minerals, waters, and forests are the exclusive property of the state. The state owns the basic means of production in industry, construction, and agriculture; means of transport and communication; the banks; the property of state-run trade organisations and public utilities, and other state-run undertakings; most urban housing; and other property necessary for state purposes.

ARTICLE 12. The property of collective farms and other co-operative organisations, and of their joint undertakings, comprises the means of production and other assets which they require for the purposes laid down in their rules.

The land held by collective farms is secured to them for their free use in perpetuity.

The state promotes development of collective farm-and-co-operative property and its approximation to state property.

Collective farms, like other land users, are obliged to make effective and thrifty use of the land and to increase its fertility.

ARTICLE 13. Earned income forms the basis of the personal property of Soviet citizens. The personal property of citizens of the USSR may include articles of everyday use, personal consumption and convenience, the implements and other objects of a small-holding, a house, and earned savings. The personal property of citizens and the right to inherit it are protected by the state.

Citizens may be granted the use of plots of land, in the manner prescribed by law, for a subsidiary small-holding (including the keeping of livestock and poultry), for fruit and vegetable growing or for building an individual dwelling. Citizens are required to make rational use of the land allotted to them. The state, and collective farms provide assistance to citizens in working their small-holdings.

Property owned or used by citizens shall not serve as a means of deriving unearned income or be employed to the detriment of the interests of society.

ARTICLE 14. The source of the growth of social wealth and of the well-being of the people, and of each individual, is the labour, free from exploitation, of Soviet people.

The state exercises control over the measure of labour and of consumption in accordance with the principle of socialism: "From each according to his ability, to each according to his work." It fixes the rate of taxation on taxable income.

Socially useful work and its results determine a person's status in society. By combining material and moral incentives and encouraging innovation and a creative attitude to work, the state helps transform labour into the prime vital need of every Soviet citizen.

ARTICLE 15. The Supreme goal of social production under socialism is the fullest possible satisfaction of the people's growing material, and cultural and intellectual requirements.

Relying on the creative initiative of the working people, socialist emulation, and scientific and technological progress, and by improving the forms and methods of economic management, the state ensures growth of the productivity of labour, raising of the efficiency of production and of the quality of work, and dynamic, planned, proportionate development of the economy.

ARTICLE 16. The economy of the USSR is an integral economic complex comprising all the elements of social production, distribution, and exchange on its territory.

The economy is managed on the basis of state plans for economic and social development, with due account of the sectoral and territorial principles, and by combining centralised direction with the managerial independence and initiative of individual and amalgamated enterprises and other organisations, for which active use is made of management accounting, profit, cost, and other economic levers and incentives.

ARTICLE 17. In the USSR, the law permits individual labour in handicrafts, farming, the provision of services for the public, and other forms of activity based exclusively on the personal work of individual citizens and members of their families. The state makes regulations for such work to ensure that it serves the interests of society.

ARTICLE 18. In the interests of the present and future generations, the necessary steps are taken in the USSR to protect and make scientific, rational use of the land and its mineral and water resources, and the plant and animal kingdoms, to preserve the purity of air and water, ensure reproduction of natural wealth, and improve the human environment.

Chapter 3**SOCIAL DEVELOPMENT AND CULTURE**

ARTICLE 19. The social basis of the USSR is the unbreakable alliance of the workers, peasants, and intelligentsia.

The state helps enhance the social homogeneity of society, namely the elimination of class differences and of the essential distinctions between town and country and between mental and physical labour, and the all-round development and drawing together of all the nations and nationalities of the USSR.

ARTICLE 20. In accordance with the communist ideal—"The free development of each is the condition of the free development of all"—the state pursues the aim of giving citizens more and more real opportunities to apply their creative energies, abilities, and talents, and to develop their personalities in every way.

ARTICLE 21. The state concerns itself with improving working conditions, safety and labour protection and the scientific organisation of work, and with reducing and ultimately eliminating all arduous physical labour through comprehensive mechanisation and automation of production processes in all branches of the economy.

ARTICLE 22. A programme is being consistently implemented in the USSR to convert agricultural work into a variety of industrial work, to extend the network of educational, cultural and medical institutions, and of trade, public catering, service and public utility facilities in rural localities, and transform hamlets and villages into well-planned and well-appointed settlements.

ARTICLE 23. The state pursues a steady policy of raising people's pay levels and real incomes through increase in productivity.

In order to satisfy the needs of Soviet people more fully social consumption funds are created. The state, with the

broad participation of public organisations and work collectives, ensures the growth and just distribution of these funds.

ARTICLE 24. In the USSR, state systems of health protection, social security, trade and public catering, communal services and amenities, and public utilities, operate and are being extended.

The state encourages co-operatives and other public organisations to provide all types of services for the population. It encourages the development of mass physical culture and sport.

ARTICLE 25. In the USSR there is a uniform system of public education, which is being constantly improved, that provides general education and vocational training for citizens, serves the communist education and intellectual and physical development of the youth, and trains them for work and social activity.

ARTICLE 26. In accordance with society's needs the state provides for planned development of science and the training of scientific personnel and organises introduction of the results of research in the economy and other spheres of life.

ARTICLE 27. The state concerns itself with protecting, augmenting and making extensive use of society's cultural wealth for the moral and aesthetic education of the Soviet people, for raising their cultural level.

In the USSR development of the professional, amateur and folk arts is encouraged in every way.

Chapter 4 **FOREIGN POLICY**

ARTICLE 28. The USSR steadfastly pursues a Leninist policy of peace and stands for strengthening of the security of nations and broad international co-operation.

The foreign policy of the USSR is aimed at ensuring international conditions favourable for building communism in the

USSR, safeguarding the state interests of the Soviet Union, consolidating the positions of world socialism, supporting the struggle of peoples for national liberation and social progress, preventing wars of aggression, achieving universal and complete disarmament, and consistently implementing the principle of the peaceful coexistence of states with different social systems.

In the USSR war propaganda is banned.

ARTICLE 29. The USSR's relations with other states are based on observance of the following principles: sovereign equality; mutual renunciation of the use or threat of force; inviolability of frontiers; territorial integrity of states; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights and fundamental freedoms; the equal rights of peoples and their right to decide their own destiny; co-operation among states; and fulfilment in good faith of obligations arising from the generally recognised principles and rules of international law, and from the international treaties signed by the USSR.

ARTICLE 30. The USSR, as part of the world system of socialism and of the socialist community, promotes and strengthens friendship, co-operation, and comradely mutual assistance with other socialist countries on the basis of the principle of socialist internationalism, and takes an active part in socialist economic integration and the socialist international division of labour.

Chapter 5

DEFENCE OF THE SOCIALIST MOTHERLAND

ARTICLE 31. Defence of the Socialist Motherland is one of the most important functions of the state, and is the concern of the whole people.

In order to defend the gains of socialism, the peaceful labour of the Soviet people, and the sovereignty and territorial integrity of the state, the USSR maintains armed forces and has instituted universal military service.

The duty of the Armed Forces of the USSR to the people is to provide reliable defence of the Socialist Motherland and to be in constant combat readiness, guaranteeing that any aggressor is instantly repulsed.

ARTICLE 32. The state ensures the security and defence capability of the country, and supplies the Armed Forces of the USSR with everything necessary for that purpose.

The duties of state bodies, public organisations, officials, and citizens in regard to safeguarding the country's security and strengthening its defence capacity are defined by the legislation of the USSR.

THE STATE AND THE INDIVIDUAL

Chapter 6

CITIZENSHIP OF THE USSR. EQUALITY OF CITIZENS' RIGHTS

ARTICLE 33. Uniform federal citizenship is established for the USSR. Every citizen of a Union Republic is a citizen of the USSR.

The grounds and procedure for acquiring or forfeiting Soviet citizenship are defined by the Law on Citizenship of the USSR.

When abroad, citizens of the USSR enjoy the protection and assistance of the Soviet state.

ARTICLE 34. Citizens of the USSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status.

The equal rights of citizens of the USSR are guaranteed in all fields of economic, political, social, and cultural life.

ARTICLE 35. Women and men have equal rights in the USSR.

Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration, and promotion, and in social and political, and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling mothers to work; by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers and mothers, and gradual reduction of working time for mothers with small children.

ARTICLE 36. Citizens of the USSR of different races and nationalities have equal rights.

Exercise of these rights is ensured by a policy of all-round development and drawing together of all the nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility to use their native language and the languages of other peoples of the USSR.

Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law.

ARTICLE 37. Citizens of other countries and stateless persons in the USSR are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other state bodies for the protection of their personal, property, family, and other rights.

Citizens of other countries and stateless persons, when in the USSR, are obliged to respect the Constitution of the USSR and observe Soviet laws.

ARTICLE 38. The USSR grants the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for progressive social and political, scientific or other creative activity.

Chapter 7

THE BASIC RIGHTS, FREEDOMS, AND DUTIES OF CITIZENS OF THE USSR

ARTICLE 39. Citizens of the USSR enjoy in full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution of the USSR and by Soviet laws. The socialist system ensures enlargement of the rights and freedoms of citizens and continuous improvement of their

living standards as social, economic, and cultural development programmes are fulfilled.

Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens.

ARTICLE 40. Citizens of the USSR have the right to work (that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the state-established minimum), including the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society.

This right is ensured by the socialist economic system, steady growth of the productive forces, free vocational and professional training, improvement of skills, training in new trades or professions, and development of the systems of vocational guidance and job placement.

ARTICLE 41. Citizens of the USSR have the right to rest and leisure.

This right is ensured by the establishment of a working week not exceeding 41 hours, for workers and other employees, a shorter working day in a number of trades and industries, and shorter hours for night work; by the provision of paid annual holidays, weekly days of rest, extension of the network of cultural, educational and health-building institutions, and the development on a mass scale of sport, physical culture, and camping and tourism; by the provision of neighbourhood recreational facilities, and of other opportunities for rational use of free time.

The length of collective farmers' working and leisure time is established by their collective farms.

ARTICLE 42. Citizens of the USSR have the right to health protection.

This right is ensured by free, qualified medical care provided by state health institutions; by extension of the network of

therapeutic and health-building institutions ; by the development and improvement of safety and hygiene in industry ; by carrying out broad prophylactic measures ; by measures to improve the environment ; by special care for the health of the rising generation, including prohibition of child labour, excluding the work done by children as part of the school curriculum ; and by developing research to prevent and reduce the incidence of disease and ensure citizens a long and active life.

ARTICLE 43. Citizens of the USSR have the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner.

This right is guaranteed by social insurance of workers and other employees and collective farmers ; by allowances for temporary disability ; by the provision by the state or by collective farms of retirement pensions, disability pensions, and pensions for loss of the breadwinner ; by providing employment for the partially disabled ; by care for the elderly and the disabled ; and by other forms of social security.

ARTICLE 44. Citizens of the USSR have the right to housing.

This right is ensured by the development and upkeep of state and socially-owned housing ; by assistance for co-operative and individual house building ; by fair distribution, under public control, of the housing that becomes available through fulfilment of the programme of building well-appointed dwellings, and by low rents and low charges for utility services. Citizens of the USSR shall take good care of the housing allocated to them.

ARTICLE 45. Citizens of the USSR have the right to education.

This right is ensured by free provision of all forms of education, by the institution of universal, compulsory secondary education, and broad development of vocational, specialised secondary, and higher education, in which instruction is oriented toward practical activity and production ; by the development of extramural, correspondence and evening courses ; by the provision of state scholarships and grants and privileges for students ; by the free issue of school textbooks ; by the opportunity to attend a

a school where teaching is in the native language ; and by the provision of facilities for self-education.

ARTICLE 46. Citizens of the USSR have the right to enjoy cultural benefits.

This right is ensured by broad access to the cultural treasures of their own land and of the world that are preserved in state and other public collections ; by the development and fair distribution of cultural and educational institutions throughout the country ; by developing television and radio broad-casting and the publishing of books, newspapers and periodicals, and by extending the free library service ; and by expanding cultural exchanges with other countries.

ARTICLE 47. Citizens of the USSR, in accordance with the aims of building communism, are guaranteed freedom of scientific, technical, and artistic work. This freedom is ensured by broadening scientific research, encouraging invention and innovation, and developing literature and the arts. The state provides the necessary material conditions for this and support for voluntary societies and unions of workers in the arts, organises introduction of inventions and innovations in production and other spheres of activity.

The rights of authors, inventors and innovators are protected by the state.

ARTICLE 48. Citizens of the USSR have the right to take part in the management and administration of state and public affairs and in the discussion and adoption of laws and measures of All-Union and local significance.

This right is ensured by the opportunity to vote and to be elected to Soviets of People's Deputies and other elective state bodies, to take part in nationwide discussions and referendums, in people's control, in the work of state bodies, public organisations, and local community groups, and in meetings at places of work or residence.

ARTICLE 49. Every citizen of the USSR has the right to

submit proposals to state bodies and public organisations for improving their activity, and to criticise shortcomings in their work.

Officials are obliged, within established time-limits, to examine citizens' proposals and requests, to reply to them, and to take appropriate action.

Persecution for criticism is prohibited. Persons guilty of such persecution shall be called to account.

ARTICLE 50. In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations.

Exercise of these political freedoms is ensured by putting public buildings, streets and squares at the disposal of the working people and their organisations, by broad dissemination of information, and by the opportunity to use the press, television, and radio.

ARTICLE 51. In accordance with the aims of building communism, citizens of the USSR have the right to associate in public organisations that promote their political activity and initiative and satisfaction of their various interests.

Public organisations are guaranteed conditions for successfully performing the functions defined in their rules.

ARTICLE 52. Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited.

In the USSR, the church is separated from the state, and the school from the church.

ARTICLE 53. The family enjoys the protection of the state.

Marriage is based on the free consent of the woman and the man ; the spouses are completely equal in their family relations.

The state helps the family by providing and developing a

broad system of child-care institutions, by organising and improving communal services and public catering, by paying grants on the birth of a child, by providing children's allowances and benefits for large families, and other forms of family allowances and assistance.

ARTICLE 54. Citizens of the USSR are guaranteed inviolability of the person. No one may be arrested except by a court decision or on the warrant of a procurator.

ARTICLE 55. Citizens of the USSR are guaranteed inviolability of the home. No one may, without lawful grounds, enter a home against the will of those residing in it.

ARTICLE 56. The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law.

ARTICLE 57. Respect for the individual and protection of the rights and freedoms of citizens are the duty of all state bodies, public organisations, and officials.

Citizens of the USSR have the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property.

ARTICLE 58. Citizens of the USSR have the right to lodge a complaint against the actions of officials, state bodies and public bodies. Complaints shall be examined according to the procedure and within the time-limit established by law.

Actions by officials that contravene the law or exceed their powers, and infringe the rights of citizens, may be appealed against in a court in the manner prescribed by law.

Citizens of the USSR have the right to compensation for damage resulting from unlawful actions by state organisations and public organisations, or by officials in the performance of their duties.

ARTICLE 59. Citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations.

Citizens of the USSR are obliged to observe the Constitution of the USSR and Soviet laws, comply with the standards of socialist conduct, and uphold the honour and dignity of Soviet citizenship.

ARTICLE 60. It is the duty of, and a matter of honour for, every able-bodied citizen of the USSR to work conscientiously in his chosen, socially useful occupation, and strictly to observe labour discipline. Evasion of socially useful work is incompatible with the principles of socialist society.

ARTICLE 61. Citizens of the USSR are obliged to preserve and protect socialist property. It is the duty of a citizen of the USSR to combat misappropriation and squandering of state and socially-owned property and to make thrifty use of the people's wealth.

Persons encroaching in any way on socialist property shall be punished according to the law.

ARTICLE 62. Citizens of the USSR are obliged to safeguard the interests of the Soviet state, and to enhance its power and prestige.

Defence of the Socialist Motherland is the sacred duty of every citizen of the USSR.

Betrayal of the Motherland is the gravest of crimes against the people.

ARTICLE 63. Military service in the ranks of the Armed Forces of the USSR is an honourable duty of Soviet citizens.

ARTICLE 64. It is the duty of every citizen of the USSR to respect the national dignity of other citizens, and to strengthen friendship of the nations and nationalities of the multinational Soviet state.

ARTICLE 65. A citizen of the USSR is obliged to respect the rights and lawful interests of other persons, to be uncompromising toward anti-social behaviour, and to help maintain public order.

ARTICLE 66. Citizens of the USSR are obliged to concern themselves with the upbringing of children, to train them for socially useful work, and to raise them as worthy members of socialist society. Children are obliged to care for their parents and help them.

ARTICLE 67. Citizens of the USSR are obliged to protect nature and conserve its riches.

ARTICLE 68. Concern for the preservation of historical monuments and other cultural values is a duty and obligation of citizens of the USSR.

ARTICLE 69. It is the internationalist duty of citizens of the USSR to promote friendship and co-operation with peoples of other lands and help maintain and strengthen world peace.

THE NATIONAL STATE STRUCTURE OF THE USSR

Chapter 8

THE USSR—A FEDERAL STATE

ARTICLE 70. The Union of Soviet Socialist Republics is an integral, federal, multinational state formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics.

The USSR embodies the state unity of the Soviet people and draws all its nations and nationalities together for the purpose of jointly building communism.

ARTICLES 71. The Union of Soviet Socialist Republics unites :

the Russian Soviet Federative Socialist Republic,
the Ukrainian Soviet Socialist Republic,
the Byelorussian Soviet Socialist Republic,
the Uzbek Soviet Socialist Republic,
the Kazakh Soviet Socialist Republic,
the Georgian Soviet Socialist Republic,
the Azerbaijan Soviet Socialist Republic,
the Lithuanian Soviet Socialist Republic,
the Moldavian Soviet Socialist Republic,
the Latvian Soviet Socialist Republic,
the Kirghiz Soviet Socialist Republic,
the Tajik Soviet Socialist Republic,
the Armenian Soviet Socialist Republic,
the Turkmen Soviet Socialist Republic,
the Estonian Soviet Socialist Republic.

ARTICLE 72. Each Union Republic shall retain the right freely to secede from the USSR.

ARTICLE 73. The jurisdiction of the Union of Soviet Socialist Republics, as represented by its highest bodies of state authority and administration, shall cover:

1. the admission of new republics to the USSR; endorsement of the formation of new autonomous republics and autonomous regions within Union Republics;
2. determination of the state boundaries of the USSR and approval of changes in the boundaries between Union Republics;
3. establishment of the general principles for the organisation and functioning of republican and local bodies of state authority and administration;
4. the ensurance of uniformity of legislative norms throughout the USSR and establishment of the fundamentals of the legislation of the Union of Soviet Socialist Republics and Union Republics;
5. pursuance of a uniform social and economic policy; direction of the country's economy; determination of the main lines of scientific and technological progress and the general measures for rational exploitation and conservation of natural resources; the drafting and approval of state plans for the economic and social development of the USSR, and endorsement of reports on their fulfilment;
6. the drafting and approval of the consolidated Budget of the USSR, and endorsement of the report on its execution; management of a single monetary and credit system; determination of the taxes and revenues forming the Budget of the USSR; and the formulation of prices and wages policy;
7. direction of the sectors of the economy, and of enterprises and amalgamations under Union jurisdiction, and general direction of industries under Union-Republican jurisdiction;
8. issues of war and peace, defence of the sovereignty of the USSR and safeguarding of its frontiers and territory, and organisation of defence; direction of the Armed Forces of the USSR;
9. state security;

10. representation of the USSR in international relations ; the USSR's relations with other states and with international organisations ; establishment of the general procedure for, and co-ordination of, the relations of Union Republics with other states and with international organisations ; foreign trade and other forms of external economic activity on the basis of state monopoly ;
11. control over observance of the Constitution of the USSR, and ensurance of conformity of the Constitutions of Union Republics to the Constitution of the USSR ;
12. and settlement of other matters of All-Union importance.

ARTICLE 74. The laws of the USSR shall have the same force in all Union Republics. In the event of a discrepancy between a Union Republic law and an All-Union law, the law of the USSR shall prevail.

ARTICLE 75. The territory of the Union of Soviet Socialist Republics is a single entity and comprises the territories of the Union Republics.

The sovereignty of the USSR extends throughout its territory.

Chapter 9

THE UNION SOVIET SOCIALIST REPUBLIC

ARTICLE 76. A Union Republic is a sovereign Soviet socialist state that has united with other Soviet Republics in the Union of Soviet Socialist Republics.

Outside the spheres listed in Article 73 of the Constitution of the USSR, a Union Republic exercises independent authority on its territory.

A Union Republic shall have its own Constitution conforming to the Constitution of the USSR with the specific features of the Republic being taken into account.

ARTICLE 77. Union Republics take part in decision-making in the Supreme Soviet of the USSR, the Presidium of the Supreme

Soviet of the USSR, the Government of the USSR, and other bodies of the Union of Soviet Socialist Republics in matters that come within the jurisdiction of the Union of Soviet Socialist Republics.

A Union Republic shall ensure comprehensive economic and social development on its territory, facilitate exercise of the powers of the USSR on its territory, and implement the decisions of the highest bodies of state authority and administration of the USSR.

In matters that come within its jurisdiction, a Union Republic shall co-ordinate and control the activity of enterprises, institutions, and organisations subordinate to the Union.

ARTICLE 78. The territory of a Union Republic may not be altered without its consent. The boundaries between Union Republics may be altered by mutual agreement of the Republics concerned, subject to ratification by the Union of Soviet Socialist Republics.

ARTICLE 79. A Union Republic shall determine its division into territories, regions, areas, and districts, and decide other matters relating to its administrative and territorial structure.

ARTICLE 80. A Union Republic has the right to enter into relations with other states, conclude treaties with them, exchange diplomatic and consular representatives, and take part in the work of international organisations.

ARTICLE 81. The sovereign rights of Union Republics shall be safeguarded by the USSR.

Chapter 10

THE AUTONOMOUS SOVIET SOCIALIST REPUBLIC

ARTICLE 82. An Autonomous Republic is a constituent part of a Union Republic.

In spheres not within the jurisdiction of the Union of Soviet Socialist Republics and the Union Republic, an Autonomous

Republic shall deal independently with matters within its jurisdiction.

An Autonomous Republic shall have its own Constitution conforming to the Constitutions of the USSR and the Union Republic with the specific features of the Autonomous Republic being taken into account.

ARTICLE 83. An Autonomous Republic takes part in decision-making through the highest bodies of state authority and administration of the USSR and of the Union Republic respectively, in matters that come within the jurisdiction of the USSR and the Union Republic.

An Autonomous Republic shall ensure comprehensive economic and social development on its territory, facilitate exercise of the powers of the USSR and the Union Republic on its territory, and implement decisions of the highest bodies of state authority and administration of the USSR and the Union Republic.

In matters within its jurisdiction, an Autonomous Republic shall co-ordinate and control the activity of enterprises, institutions, and organisations subordinate to the Union or the Union Republic.

ARTICLE 84. The territory of an Autonomous Republic may not be altered without its consent.

ARTICLE 85. The Russian Soviet Federative Socialist Republic includes the Bashkir, Buryat, Daghestan, Kabardin-Balkar, Kalmyk, Karelian, Komi, Mari, Mordovian, North Ossetian, Tatar, Tuva, Udmurt, Chechen-Ingush, Chuvash, and Yakut Autonomous Soviet Socialist Republics.

The Uzbek Soviet Socialist Republic includes the Kara-Kalpak Autonomous Soviet Socialist Republic.

The Georgian Soviet Socialist Republic includes the Abkhasian and Adzhar Autonomous Soviet Socialist Republics.

The Azerbaijan Soviet Socialist Republic includes the Nakhi-chevan Autonomous Soviet Socialist Republic.

Chapter 11**THE AUTONOMOUS REGION AND
AUTONOMOUS AREA**

ARTICLE 86. An Autonomous Region is a constituent part of a Union Republic or Territory. The Law on an Autonomous Region, upon submission by the Soviet of People's Deputies of the Autonomous Region concerned, shall be adopted by the Supreme Soviet of the Union Republic.

ARTICLE 87. The Russian Soviet Federative Socialist Republic includes the Adygei, Gorno-Altai, Jewish, Karachai-Circassian, and Khakass Autonomous Regions.

The Georgian Soviet Socialist Republic includes the South Ossetian Autonomous Region.

The Azerbaijan Soviet Socialist Republic includes the Nagorno-Karabakh Autonomous Region.

The Tajik Soviet Socialist Republic includes the Gorno-Badakhshan Autonomous Region.

ARTICLE 88. An Autonomous Area is a constituent part of a Territory or Region. The Law on an Autonomous Area shall be adopted by the Supreme Soviet of the Union Republic concerned.

SOVIETS OF PEOPLE'S DEPUTIES AND ELECTORAL PROCEDURE

Chapter 12

THE SYSTEM OF SOVIETS OF PEOPLE'S DEPUTIES. AND THE PRINCIPLES OF THEIR WORK

ARTICLE 89. The Soviets of People's Deputies, i.e. the Supreme Soviet of the USSR, the Supreme Soviets of Union Republics, the Supreme Soviets of Autonomous Republics, the Soviets of People's Deputies of Territories and Regions, the Soviets of People's Deputies of Autonomous Regions and Autonomous Areas, and the Soviets of People's Deputies of districts, cities, city districts, settlements and villages shall constitute a single system of bodies of state authority.

ARTICLE 90. The term of the Supreme Soviet of the USSR, the Supreme Soviets of Union Republics, and the Supreme Soviets of Autonomous Republics shall be five years.

The term of local Soviets of People's Deputies shall be two and a half years.

Elections to Soviets of People's Deputies shall be called not later than two months before the expiry of the term of the Soviet concerned.

ARTICLE 91. The most important matters within the jurisdiction of the respective Soviets of People's Deputies shall be considered and settled at their sessions.

Soviets of People's Deputies shall elect standing commissions and form executive-administrative, and other bodies accountable to them.

ARTICLE 92. Soviets of People's Deputies shall form people's control bodies combining state control with control by the

working people at enterprises, collective farms, institutions, and organisations.

People's control bodies shall check on the fulfilment of state plans and assignments, combat breaches of state discipline, localistic tendencies, narrow departmental attitudes, mismanagement, extravagance and waste, red tape and bureaucracy, and help improve the working of the state machinery.

ARTICLE 93. Soviets of People's Deputies shall direct all sectors of state, economic, and social and cultural development, either directly or through bodies instituted by them, take decisions and ensure their execution, and verify their implementation.

ARTICLE 94. Soviets of People's Deputies shall function publicly on the basis of collective, free, constructive discussion and decision-making of systematic reporting back to them and the people by their executive-administrative and other bodies, and of involving citizens on a broad scale in their work.

Soviets of People's Deputies and the bodies set up by them shall systematically inform the public about their work and the decisions taken by them.

Chapter 13

THE ELECTORAL SYSTEM

ARTICLE 95. Deputies to all Soviets shall be elected on the basis of universal, equal, and direct suffrage by secret ballot.

ARTICLE 96. Elections shall be universal : all citizens of the USSR who have reached the age of 18 shall have the right to vote and to be elected, with the exception of persons who have been legally certified insane.

To be eligible for election to the Supreme Soviet of the USSR a citizen of the USSR must have reached the age of 21.

ARTICLE 97. Elections shall be equal : each citizen shall have one vote ; all voters shall exercise the franchise on an equal footing.

ARTICLE 98. Elections shall be direct : deputies to all Soviets of People's Deputies shall be elected by citizens by direct vote.

ARTICLE 99. Voting at elections shall be secret : control over voters' exercise of the franchise is inadmissible.

ARTICLE 100. The following shall have the right to nominate candidates : branches and organisations of the Communist Party of the Soviet Union, trade unions, and the All-Union Leninist Young Communist League ; co-operatives and other public organisations ; work collectives, and meetings of service-men in their military units.

Citizens of the USSR and public organisations are guaranteed the right to free and all-round discussion of the political and personal qualities and competence of candidates, and the right to campaign for them at meetings, in the press, and on television and radio.

The expenses involved in holding elections to Soviets of People's Deputies shall be met by the state.

ARTICLE 101. Deputies to Soviets of People's Deputies shall be elected by constituencies.

A citizen of the USSR may not, as a rule, be elected to more than two Soviets of People's Deputies.

Elections to the Soviets shall be conducted by electoral commissions consisting of representatives of public organisations and work collectives, and of meetings of servicemen in military units.

The procedure for holding elections to Soviets of People's Deputies shall be defined by the laws of the USSR, and of Union and Autonomous Republics.

ARTICLE 102. Electors give mandates to their Deputies.

The appropriate Soviets of People's Deputies shall examine electors' mandates, take them into account in drafting economic and social development plans and in drawing up the budget, organise implementation of the mandates, and inform citizens about it.

*Chapter 14***PEOPLE'S DEPUTIES**

ARTICLE 103. Deputies are the plenipotentiary representatives of the people in the Soviets of People's Deputies.

In the Soviets, Deputies deal with matters relating to state, economic, and social and cultural development, organise implementation of the decisions of the Soviets, and exercise control over the work of state bodies, enterprises, institutions and organisations.

Deputies shall be guided in their activities by the interests of the state, and shall take the needs of their constituents into account and work to implement their electors' mandates.

ARTICLE 104. Deputies shall exercise their powers without discontinuing their regular employment or duties.

During sessions of the Soviet, and so as to exercise their deputy's powers in other cases stipulated by law, Deputies shall be released from their regular employment or duties, with retention of their average earnings at their permanent place of work.

ARTICLE 105. A Deputy has the right to address inquiries to the appropriate state bodies and officials, who are obliged to reply to them at a session of the Soviet.

Deputies have the right to approach any state or public body, enterprise, institution, or organisation on matters arising from their work as Deputies and to take part in considering the questions raised by them. The heads of the state or public bodies, enterprises, institutions or organisations concerned are obliged to receive Deputies without delay and to consider their proposals within the time-limit established by law.

ARTICLE 106. Deputies shall be ensured conditions for the unhampered and effective exercise of their rights and duties.

The immunity of Deputies, and other guarantees of their activity as Deputies, are defined in the Law on the Status of

Deputies and other legislative acts of the USSR and of Union and Autonomous Republics.

ARTICLE 107. Deputies shall report on their work and on that of the Soviet to their constituents, and to the work collectives and public organisations that nominated them.

Deputies who have not justified the confidence of their constituents may be recalled at any time by decision of a majority of the electors in accordance with the procedure established by law.

HIGHER BODIES OF STATE AUTHORITY AND ADMINISTRATION OF THE USSR

Chapter 15 **THE SUPREME SOVIET OF THE USSR**

ARTICLE 108. The highest body of state authority of the USSR shall be the Supreme Soviet of the USSR.

The Supreme Soviet of the USSR is empowered to deal with all matters within the jurisdiction of the Union of Soviet Socialist Republics, as defined by this Constitution.

The adoption and amendment of the Constitution of the USSR ; admission of new Republics to the USSR ; endorsement of the formation of new Autonomous Republics and Autonomous Regions ; approval of the state plans for economic and social development, of the Budget of the USSR, and of reports on their execution ; and the institution of bodies of the USSR accountable to it, are the exclusive prerogative of the Supreme Soviet of the USSR.

Laws of the USSR shall be enacted by the Supreme Soviet of the USSR or by a nationwide vote (referendum) held by decision of the Supreme Soviet of the USSR.

ARTICLE 109. The Supreme Soviet of the USSR shall consist of two chambers ; the Soviet of the Union and the Soviet of Nationalities.

The two chambers of the Supreme Soviet of the USSR shall have equal rights.

ARTICLE 110. The Soviet of the Union and the Soviet of Nationalities shall have equal numbers of deputies.

The Soviet of the Union shall be elected by constituents with equal populations.

The Soviet of Nationalities shall be elected on the basis of the following representation : 32 deputies from each Union Republic, 11 deputies from each Autonomous Republic, five deputies from each Autonomous Region, and one deputy from each Autonomous Area.

The Soviet of the Union and the Soviet of Nationalities, upon submission by the credentials commissions elected by them, shall decide on the validity of Deputies' credentials, and, in cases in which the election law has been violated, shall declare the election of the Deputies concerned null and void.

ARTICLE 111. Each chamber of the Supreme Soviet of the USSR shall elect a Chairman and four Vice-Chairmen.

The Chairmen of the Soviet of the Union and of the Soviet of Nationalities shall preside over the sittings of the respective chambers and conduct their affairs.

Joint sittings of the chambers of the Supreme Soviet of the USSR shall be presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

ARTICLE 112. Sessions of the Supreme Soviet of the USSR shall be convened twice a year.

Special sessions shall be convened by the Presidium of the Supreme Soviet of the USSR at its discretion or on the proposal of a Union Republic, or of not less than one-third of the Deputies of one of the chambers.

A session of the Supreme Soviet of the USSR shall consist of separate and joint sittings of the chambers, and of meetings of the standing commissions of the chambers or commissions of the Supreme Soviet of the USSR held between the sittings of the chambers. A session may be opened and closed at either separate or joint sittings of the chambers.

ARTICLE 113. The right to initiate legislation in the Supreme Soviet of the USSR is vested in the Soviet of the Union and the Soviet of Nationalities, the Presidium of the Supreme Soviet of the USSR, the Council of Ministers of the

USSR, Union Republics through their highest bodies of state authority, commissions of the Supreme Soviet of the USSR and standing commissions of its chambers, Deputies of the Supreme Soviet of the USSR, the Supreme Court of the USSR, and the Procurator-General of the USSR.

The right to initiate legislation is also vested in public organisations through their All-Union bodies.

ARTICLE 114. Bills and other matters submitted to the Supreme Soviet of the USSR shall be debated by its chambers at separate or joint sittings. Where necessary, a bill or other matter may be referred to one or more commissions for preliminary or additional consideration.

A law of the USSR shall be deemed adopted when it has been passed in each chamber of the Supreme Soviet of the USSR by a majority of the total number of its Deputies. Decisions and other acts of the Supreme Soviet of the USSR are adopted by a majority of the total number of Deputies of the Supreme Soviet of the USSR.

Bills and other very important matters of state may be submitted for nationwide discussion by a decision of the Supreme Soviet of the USSR or its Presidium taken on their own initiative or on the proposal of a Union Republic.

ARTICLE 115. In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the matter at issue shall be referred for settlement to a conciliation commission formed by the chambers on a parity basis, after which it shall be considered for a second time by the Soviet of the Union and the Soviet of Nationalities at a joint sitting. If agreement is again not reached, the matter shall be postponed for debate at the next session of the Supreme Soviet of the USSR or submitted by the Supreme Soviet to a nationwide vote (referendum).

ARTICLE 116. Laws of the USSR and decisions and other acts of the Supreme Soviet of the USSR shall be published in the languages of the Union Republics over the signatures of the

Chairman and Secretary of the Presidium of the Supreme Soviet of the USSR.

ARTICLE 117. A Deputy of the Supreme Soviet of the USSR has the right to address inquiries to the Council of Ministers of the USSR, and to Ministers and the heads of other bodies formed by the Supreme Soviet of the USSR. The Council of Ministers of the USSR, or the official to whom the inquiry is addressed, is obliged to give a verbal or written reply within three days at the given session of the Supreme Soviet of the USSR.

ARTICLE 118. A Deputy of the Supreme Soviet of the USSR may not be prosecuted, or arrested, or incur a court-imposed penalty, without the sanction of the Supreme Soviet of the USSR or, between its sessions, of the Presidium of the Supreme Soviet of the USSR.

ARTICLE 119. The Supreme Soviet of the USSR, at a joint sitting of its chambers, shall elect a Presidium of the Supreme Soviet of the USSR, which shall be a standing body of the Supreme Soviet of the USSR, accountable to it for all its work and exercising the functions of the highest body of state authority of the USSR between sessions of the Supreme Soviet, within the limits prescribed by the Constitution.

ARTICLE 120. The Presidium of the Supreme Soviet of the USSR shall be elected from among the Deputies and shall consist of a Chairman, First Vice-Chairman, 15 Vice-Chairmen (one from each Union Republic), a Secretary, and 21 members.

ARTICLE 121. The Presidium of the Supreme Soviet of the USSR shall:

1. name the date of elections to the Supreme Soviet of the USSR;
2. convene sessions of the Supreme Soviet of the USSR;
3. co-ordinate the work of the standing commissions of the chambers of the Supreme Soviet of the USSR;
4. ensure observance of the Constitution of the USSR and

conformity of the Constitutions and laws of Union Republics to the Constitution and laws of the USSR;

5. interpret the laws of the USSR;
6. ratify and denounce international treaties of the USSR;
7. revoke decisions and ordinances of the Council of Ministers of the USSR and of the Councils of Ministers of Union Republics should they fail to conform to the law;
8. institute military and diplomatic ranks and other special titles; and confer the highest military and diplomatic ranks and other special titles;
9. institute orders and medals of the USSR, and honorific titles of the USSR; award orders and medals of the USSR; and confer honorific titles of the USSR;
10. grant citizenship of the USSR, and rule on matters of the renunciation or deprivation of citizenship of the USSR and of granting asylum;
11. issue All-Union acts of amnesty and exercise the right of pardon;
12. appoint and recall diplomatic representatives of the USSR to other countries and to international organisations;
13. receive the letters of credence and recall of the diplomatic representatives of foreign states accredited to it;
14. form the Council of Defence of the USSR and confirm its composition; appoint and dismiss the high command of the Armed Forces of the USSR;
15. proclaim martial law in particular localities or throughout the country in the interests of defence of the USSR;
16. order general or partial mobilisation;
17. between sessions of the Supreme Soviet of the USSR, proclaim a state of war in the event of an armed attack on the USSR, or when it is necessary to meet international treaty obligations relating to mutual defence against aggression;
18. and exercise other powers vested in it by the Constitution and laws of the USSR.

ARTICLE 122. The Presidium of the Supreme Soviet of the USSR, between sessions of the Supreme Soviet of the USSR and subject to submission for its confirmation at the next session, shall :

1. amend existing legislative acts of the USSR when necessary ;
2. approve changes in the boundaries between Union Republics ;
3. form and abolish Ministries and State Committees of the USSR on the recommendation of the Council of Ministers of the USSR ;
4. relieve individual members of the Council of Ministers of the USSR of their responsibilities and appoint persons to the Council of Ministers on the recommendation of the Chairman of the Council of Ministers of the USSR.

ARTICLE 123. The Presidium of the Supreme Soviet of the USSR promulgates decrees and adopts decisions.

ARTICLE 124. On expiry of the term of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR shall retain its powers until the newly elected Supreme Soviet of the USSR has elected a new Presidium.

The newly elected Supreme Soviet of the USSR shall be convened by the outgoing Presidium of the Supreme Soviet of the USSR within two months of the elections.

ARTICLE 125. The Soviet of the Union and the Soviet of Nationalities shall elect standing commissions from among the Deputies to make a preliminary review of matters coming within the jurisdiction of the Supreme Soviet of the USSR, to promote execution of the laws of the USSR and other acts of the Supreme Soviet of the USSR and its Presidium, and to check on the work of state bodies and organisations. The chambers of the Supreme Soviet of the USSR may also set up joint commissions on a parity basis.

When it deems it necessary, the Supreme Soviet of the

USSR sets up commissions of inquiry and audit, and commissions on any other matter.

All state and public bodies, organisations and officials are obliged to meet the requests of the commissions of the Supreme Soviet of the USSR and of its chambers, and submit the requisite materials and documents to them.

The commissions' recommendations shall be subject to consideration by state and public bodies, institutions and organisations. The commissions shall be informed, within the prescribed time-limit, of the results of such consideration or of the action taken.

ARTICLE 126. The Supreme Soviet of the USSR shall supervise the work of all state bodies accountable to it.

The Supreme Soviet of the USSR shall form a Committee of People's Control of the USSR to head the system of people's control.

The organisation and procedure of people's control bodies are defined by the Law on People's Control in the USSR.

ARTICLE 127. The procedure of the Supreme Soviet of the USSR and of its bodies shall be defined in the Rules and Regulations of the Supreme Soviet of the USSR and other laws of the USSR enacted on the basis of the Constitution of the USSR.

Chapter 16

THE COUNCIL OF MINISTERS OF THE USSR

ARTICLE 128. The Council of Ministers of the USSR, i.e. the Government of the USSR, is the highest executive and administrative body of state authority of the USSR.

ARTICLE 129. The Council of Ministers of the USSR shall be formed by the Supreme Soviet of the USSR at a joint sitting of the Soviet of the Union and the Soviet of Nationalities, and shall consist of the Chairman of the Council of Ministers of the USSR, First Vice-Chairmen and Vice-Chairmen, Ministers of the USSR, and Chairmen of State Committees of the USSR.

The Chairmen of the Councils of Ministers of Union Republics shall be *ex officio* members of the Council of Ministers of the USSR.

The Supreme Soviet of the USSR, on the recommendation of the Chairman of the Council of Ministers of the USSR, may include in the Government of the USSR the heads of other bodies and organisations of the USSR.

The Council of Ministers of the USSR shall tender its resignation to a newly elected Supreme Soviet of the USSR at its first session.

ARTICLE 130. The Council of Ministers of the USSR shall be responsible and accountable to the Supreme Soviet of the USSR and, between sessions of the Supreme Soviet of the USSR, to the Presidium of the Supreme Soviet of the USSR.

The Council of Ministers of the USSR shall report regularly on its work to the Supreme Soviet of the USSR.

ARTICLE 131. The Council of Ministers of the USSR is empowered to deal with all matters of state administration within the jurisdiction of the Union of Soviet Socialist Republics insofar as, under the Constitution, they do not come within the competence of the Supreme Soviet of the USSR or the Presidium of the Supreme Soviet of the USSR.

Within its powers the Council of Ministers of the USSR shall :

1. ensure direction of economic, social, and cultural development ; draft and implement measures to promote the well-being and cultural development of the people, to develop science and engineering, to ensure rational exploitation and conservation of natural resources, to consolidate the monetary and credit system, to pursue a uniform prices, wages, and social security policy, and to organise state insurance and a uniform system of accounting and statistics ; and organise the management of industrial, constructional, and agricultural enterprises and amalgamations, transport and communications undertakings, banks, and other organisations and institutions of All-Union subordination ;

2. draft current and long-term state plans for the economic

and social development of the USSR and the Budget of the USSR, and submit them to the Supreme Soviet of the USSR ; take measures to execute the state plans and Budget ; and report to the Supreme Soviet of the USSR on the implementation of the plans and Budget ;

3. implement measures to defend the interests of the state, protect socialist property and maintain public order, and guarantee and protect citizens' rights and freedoms ;

4. take measures to ensure state security ;

5. exercise general direction of the development of the Armed Forces of the USSR, and determine the annual contingent of citizens to be called up for active military service ;

6. provide general direction in regard to relations with other states, foreign trade, and economic, scientific, technical, and cultural co-operation of the USSR with other countries ; take measures to ensure fulfilment of the USSR's international treaties ; and ratify and denounce intergovernmental international agreements ;

7. and when necessary, form committees, central boards and other departments under the Council of Ministers of the USSR to deal with matters of economic, social and cultural development, and defence.

ARTICLE 132. A Presidium of the Council of Ministers of the USSR, consisting of the Chairman, the First Vice-Chairmen, and Vice-Chairmen of the Council of Ministers of the USSR, shall function as a standing body of the Council of Ministers of the USSR to deal with questions relating to guidance of the economy, and with other matters of state administration.

ARTICLE 133. The Council of Ministers of the USSR, on the basis of, and in pursuance of, the laws of the USSR and other decisions of the Supreme Soviet of the USSR and its Presidium, shall issue decisions and ordinances and verify their execution. The decisions and ordinances of the Council of Ministers of the USSR shall be binding throughout the USSR.

ARTICLE 134. The Council of Ministers of the USSR has the right, in matters within the jurisdiction of the Union of

Soviet Socialist Republics, to suspend execution of decisions and ordinances of the Councils of Ministers of Union Republics, and to rescind acts of ministries and state committees of the USSR, and of other bodies subordinate to it.

ARTICLE 135. The Council of Ministers of the USSR shall co-ordinate and direct the work of All-Union and Union-Republican ministries, state committees of the USSR, and other bodies subordinate to it.

All-Union ministries and state committees of the USSR shall direct the work of the branches of administration entrusted to them, or exercise inter-branch administration, throughout the territory of the USSR directly or through bodies set up by them.

Union-Republican ministries and state committees of the USSR direct the work of the branches of administration entrusted to them, or exercise inter-branch administration, as a rule, through the corresponding ministries and state committees, and other bodies of Union Republics, and directly administer individual enterprises and amalgamations of Union subordination. The procedure for transferring enterprises and amalgamations from Republic or local subordination to Union subordination shall be defined by the Presidium of the Supreme Soviet of the USSR.

Ministries and state committees of the USSR shall be responsible for the condition and development of the spheres of administration entrusted to them; within their competence, they issue orders and other acts on the basis of, and in execution of, the laws of the USSR and other decisions of the Supreme Soviet of the USSR and its Presidium, and of decisions and ordinances of the Council of Ministers of the USSR, and organise and verify their implementation.

ARTICLE 136. The competence of the Council of Ministers of the USSR and its Presidium, the procedure for their work, relationships between the Council of Ministers and other state bodies, and the list of All-Union and Union-Republican ministries and state committees of the USSR are defined, on the basis of the Constitution, in the Law on the Council of Ministers of the USSR.

BASIC PRINCIPLES OF THE STRUCTURE OF THE BODIES OF STATE AUTHORITY AND ADMINI- STRATION IN UNION REPUBLICS

Chapter 17

HIGHER BODIES OF STATE AUTHORITY AND ADMINISTRATION OF A UNION REPUBLIC

ARTICLE 137. The highest body of state authority of a Union Republic shall be the Supreme Soviet of that Republic.

The Supreme Soviet of a Union Republic is empowered to deal with all matters within the jurisdiction of the Republic under the Constitutions of the USSR and the Republic.

Adoption and amendment of the Constitution of a Union Republic ; endorsement of state plans for economic and social development, of the Republic's Budget, and of reports on their fulfilment ; and the formation of bodies accountable to the Supreme Soviet of the Union Republic are the exclusive prerogative of that Supreme Soviet.

Laws of a Union Republic shall be enacted by the Supreme Soviet of the Union Republic or by a popular vote (referendum) held by decision of the Republic's Supreme Soviet.

ARTICLE 138. The Supreme Soviet of a Union Republic shall elect a Presidium, which is a standing body of that Supreme Soviet and accountable to it for all its work. The composition and powers of the Presidium of the Supreme Soviet of a Union Republic shall be defined in the Constitution of the Union Republic.

ARTICLE 139. The Supreme Soviet of a Union Republic shall form a Council of Ministers of the Union Republic, i.e. the

Government of that Republic, which shall be the highest executive and administrative body of state authority in the Republic.

The Council of Ministers of a Union Republic shall be responsible and accountable to the Supreme Soviet of that Republic or, between sessions of the Supreme Soviet, to its Presidium.

ARTICLE 140. The Council of Ministers of a Union Republic issues decisions and ordinances on the basis of, and in pursuance of, the legislative acts of the USSR and of the Union-Republic, and of decisions and ordinances of the Council of Ministers of the USSR, and shall organise and verify their execution.

ARTICLE 141. The Council of Ministers of a Union Republic has the right to suspend the execution of decisions and ordinances of the Councils of Ministers of Autonomous Republics, to rescind the decisions and orders of the Executive Committees of Soviets of People's Deputies of Territories, Regions, and cities (i.e. cities under Republic jurisdiction) and of Autonomous Regions, and in Union Republics not divided into regions, of the Executive Committees of district and corresponding city Soviets of People's Deputies.

ARTICLE 142. The Council of Ministers of a Union Republic shall co-ordinate and direct the work of the Union-Republican and Republican ministries and of state committees of the Union Republic, and other bodies under its jurisdiction.

The Union-Republican ministries and state committees of a Union Republic shall direct the branches of administration entrusted to them, or exercise inter-branch control, and shall be subordinate to both the Council of Ministers of the Union Republic and the corresponding Union-Republican ministry or state committee of the USSR.

Republican ministries and state committees shall direct the branches of administration entrusted to them, or exercise inter-branch control, and shall be subordinate to the Council of Ministers of the Union Republic.

*Chapter 18***HIGHER BODIES OF STATE AUTHORITY AND
ADMINISTRATION OF AN AUTONOMOUS
REPUBLIC**

ARTICLE 143. The highest body of state authority of an Autonomous Republic shall be the Supreme Soviet of that Republic.

Adoption and amendment of the Constitution of an Autonomous Republic ; endorsement of state plans for economic and social development, and of the Republic's Budget ; and the formation of bodies accountable to the Supreme Soviet of the Autonomous Republic are the exclusive prerogative of that Supreme Soviet.

Laws of an Autonomous Republic shall be enacted by the Supreme Soviet of the Autonomous Republic.

ARTICLE 144. The Supreme Soviet of an Autonomous Republic shall elect a Presidium of the Supreme Soviet of the Autonomous Republic and shall form a Council of Ministers of the Autonomous Republic, i.e. the Government of that Republic.

*Chapter 19***LOCAL BODIES OF STATE AUTHORITY
AND ADMINISTRATION**

ARTICLE 145. The bodies of state authority in Territories, Regions, Autonomous Regions, Autonomous Areas, districts, cities, city districts, settlements, and rural communities shall be the corresponding Soviets of People's Deputies.

ARTICLE 146. Local Soviets of People's Deputies shall deal with all matters of local significance in accordance with the interests of the whole state and of the citizens residing in the area under their jurisdiction, implement decisions of higher bodies of state authority, guide the work of lower Soviets of People's Deputies, take part in the discussion of matters of

Republican and All-Union significance, and submit their proposals concerning them.

Local Soviets of People's Deputies shall direct state, economic, social and cultural development within their territory ; endorse plans for economic and social development and the local budget ; exercise general guidance over state bodies, enterprises, institutions and organisations subordinate to them ; ensure observance of the laws, maintenance of law and order, and protection of citizens' rights ; and help strengthen the country's defence capacity.

ARTICLE 147. Within their powers, local Soviets of People's Deputies shall ensure the comprehensive, all-round economic and social development of their area ; exercise control over the observance of legislation by enterprises, institutions and organisations subordinate to higher authorities and located in their area ; and co-ordinate and supervise their activity as regards land use, nature conservation, building, employment of manpower, production of consumer goods, and social, cultural, communal and other services and amenities for the public.

ARTICLE 148. Local Soviets of People's Deputies shall decide matters within the powers accorded them by the legislation of the USSR and of the appropriate Union Republic and Autonomous Republic. Their decisions shall be binding on all enterprises, institutions, and organisations located in their area and on officials and citizens.

ARTICLE 149. The executive-administrative bodies of local Soviets shall be the Executive Committees elected by them from among their deputies.

Executive Committees shall report on their work at least once a year to the Soviets that elected them and to meetings of citizens at their places of work or residence.

ARTICLE 150. Executive Committees of local Soviets of People's Deputies shall be directly accountable both to the Soviet that elected them and to the higher executive and administrative body.

JUSTICE ARBITRATION AND PROCURATOR'S SUPERVISION

Chapter 20 **COURTS AND ARBITRATION**

ARTICLE 151. In the USSR justice is administered only by the courts.

In the USSR there are the following courts: the Supreme Court of the USSR, the Supreme Courts of Union Republics, the Supreme Courts of Autonomous Republics, Territorial, Regional, and city courts, courts of Autonomous Regions, courts of Autonomous Areas, district (city) people's courts, and military tribunals in the Armed Forces.

ARTICLE 152. All courts in the USSR shall be formed on the principle of the effectiveness of judges and people's assessors.

People's judges of district (city) people's courts shall be elected for a term of five years by the citizens of the district (city) on the basis of universal, equal and direct suffrage by secret ballot. People's assessors of district (city) people's courts shall be elected for a term of two and a half years at meetings of citizens at their places of work or residence by a show of hands.

Higher courts shall be elected for a term of five years by the corresponding Soviet of People's Deputies.

The judges of military tribunals shall be elected for a term of five years by the Presidium of the Supreme Soviet of the USSR and people's assessors for a term of two and a half years by meetings of servicemen.

Judges and people's assessors are responsible and accountable to their electors or the bodies that elected them, shall report to

them, and may be recalled by them in the manner prescribed by law.

ARTICLE 153. The Supreme Court of the USSR is the highest judicial body in the USSR and supervises the administration of justice by the courts of the USSR and Union Republics within the limits established by law.

The Supreme Court of the USSR shall be elected by the Supreme Soviet of the USSR and shall consist of a Chairman, Vice-Chairmen, members, and people's assessors. The Chairmen of the Supreme Courts of Union Republics are *ex officio* members of the Supreme Court of the USSR.

The organisation and procedure of the Supreme Court of the USSR are defined in the Law on the Supreme Court of the USSR.

ARTICLE 154. The hearing of civil and criminal cases in all courts is collegial; in courts of first instance cases are heard with the participation of people's assessors. In the administration of justice people's assessors have all the rights of a judge.

ARTICLE 155. Judges and people's assessors are independent and subject only to the law.

ARTICLE 156. Justice is administered in the USSR on the principle of the equality of citizens before the law and the court.

ARTICLE 157. Proceedings in all courts shall be open to the public. Hearings *in camera* are only allowed in cases provided for by law, with observance of all the rules of judicial procedure.

ARTICLE 158. A defendant in a criminal action is guaranteed the right to legal assistance.

ARTICLE 159. Judicial proceedings shall be conducted in the language of the Union Republic, Autonomous Republic, Autonomous Region, or Autonomous Area, or in the language spoken by the majority of the people in the locality. Persons participat-

ing in court proceedings, who do not know the language in which they are being conducted, shall be ensured the right to become fully acquainted with the materials in the case; the services of an interpreter during the proceedings; and the right to address the court in their own language.

ARTICLE 160. No one may be adjudged guilty of a crime and subjected to punishment as a criminal except by the sentence of a court and in conformity with the law.

ARTICLE 161. Colleges of advocates are available to give legal assistance to citizens and organisations. In cases provided for by legislation citizens shall be given legal assistance free of charge.

The organisation and procedure of the bar are determined by legislation of the USSR and Union Republics.

ARTICLE 162. Representatives of public organisations and of work collectives may take part in civil and criminal proceedings.

ARTICLE 163. Economic disputes between enterprises, institutions, and organisations are settled by state arbitration bodies within the limits of their jurisdiction.

The organisation and manner of functioning of state arbitration bodies are defined in the Law on State Arbitration in the USSR.

Chapter 21

THE PROCURATOR'S OFFICE

ARTICLE 164. Supreme power of supervision over the strict and uniform observance of laws by all ministries, state committees and departments, enterprises, institutions and organisations, executive-administrative bodies of local Soviets of People's Deputies, collective farms, co-operatives and other public organisations, officials and citizens is vested in the Procurator-General of the USSR and procurators subordinate to him.

ARTICLE 165. The Procurator-General of the USSR is appointed by the Supreme Soviet of the USSR and is responsible and accountable to it and, between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the USSR.

ARTICLE 166. The procurators of Union Republics, Autonomous Republics, Territories, Regions and Autonomous Regions are appointed by the Procurator-General of the USSR. The procurators of Autonomous Areas and district and city procurators are appointed by the Procurators of Union Republics, subject to confirmation by the Procurator-General of the USSR.

ARTICLE 167. The term of office of the Procurator-General of the USSR and all lower-ranking procurators shall be five years.

ARTICLE 168. The agencies of the Procurator's Office exercise their powers independently of any local bodies whatsoever, and are subordinate solely to the Procurator-General of the USSR.

The organisation and procedure of the agencies of the Procurator's Office are defined in the Law on the Procurator's Office of the USSR.

THE EMBLEM, FLAG, ANTHEM, AND CAPITAL OF THE USSR

ARTICLE 169. The State Emblem of the Union of Soviet Socialist Republics is a hammer and sickle on a globe depicted in the rays of the sun and framed by ears of wheat, with the inscription 'Workers of All Countries, Unite !' in the languages of the Union Republics. At the top of the Emblem is a five-pointed star.

ARTICLE 170. The State Flag of the Union of Soviet Socialist Republics is a rectangle of red cloth with a hammer and sickle depicted in gold in the upper corner next to the staff and with a five-pointed red star edged in gold above them. The ratio of the width of the flag to its length is 1 : 2.

ARTICLE 171. The State Anthem of the Union of Soviet Socialist Republics is confirmed by the Presidium of the Supreme Soviet of the USSR.

ARTICLE 172. The Capital of the Union of Soviet Socialist Republics is the city of Moscow.

THE LEGAL FORCE OF THE CONSTITUTION OF THE USSR AND PROCEDURE FOR AMENDING THE CONSTITUTION

ARTICLE 173. The Constitution of the USSR shall have supreme legal force. All laws and other acts of state bodies shall be promulgated on the basis of and in conformity with it.

ARTICLE 174. The Constitution of the USSR may be amended by a decision of the Supreme Soviet of the USSR adopted by a majority of not less than two-thirds of the total number of Deputies of each of its chambers.

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INDEX

- Africa, 93
Afghanistan, 97
America, 6, 29, 30
American Constitution, 2
American Federation, 49
American Revolution, 33
Amin Hafizullah, 97
Asia, 93
Austria, 97
- Brezhnev L. I., 3-7, 9, 11, 14,
22, 31, 37, 39-41, 46, 66,
68, 78, 94, 95
Beria L. P., 67
Bukharin N. I., 67
Bulganin N. A., 65
- Charter (UN), 95
China, 98
Chukchis, 16
Civil War (American), 49
Civil War (1918-20), 23
Conciliation Commission, 56
Constitutional Commission, 40
Churchill Winston, 49
Czechoslovakia, 92^o, 96, 97
- Declaration of Independence
(American), 33
Democratic Centralism, 10-12
Direct Democracy, 17
Doctor Zhivago, 28
Dubcek A., 96, 97
- Eastern Europe, 1
Engels F., 80
Eskimos, 16
Estonia, 46, 92
Evenks, 16
- Federal Tribunal (Switzerland), 19
Finer S. E., 60
Finland, 92
First World War, 23
France, 92
French Revolution, 33
- Germany, 21, 92
Golyakov (Justice), 85
Gorshemin K., 85
Great Britain, 25, 28, 48, 60,
76, 91, 92
Great Patriotic War (1941-45),
23
- Hazard John N., 51
Hanoi, 98
Her Majesty's Opposition, 25
Hitler (Adolf), 92, 97, 98
House of Common (British), 13,
25, 57, 58
Hungary, 96, 97
- Italy, 28
- Judicial Review, 18-19, 52, 77,
82
- Kaganovich, 65
K. G. B., 67, 68
Karmal Babrak, 97
Karpinsky, 16, 70
Khruschev N., 7, 14, 22, 58,
65-69, 77
King of France, 18
Kirov S. M., 65, 67
Kosygin A. N., 14, 66, 68, 78

- Latin America, 93
 Latvia, 46, 92
 League of Nations, 92
 Lenin V. I., 2-4, 10, 12, 22, 27,
 30, 65, 66, 77, 89
 Lincoln, 30
 Lithuania, 46, 92
 Lysenko, 30
- Manifesto of the Communist
 Party, 21
 Malenkov, 65, 66
 Marx, 26, 27
 Markov G., 68
 Mendelism, 30
 Molotov, 65
 Montesquieu, 18
 Moscow, 1, 45
 MVD (Secret Police), 88
- Nagy Imre, 96
 National Socialists, 12, 19, 21
 Nicholas II, 1
 Novy Mir, 28
- Pasternak (Boris), 28
 Peking, 98
 Petrograd, 1
 Philadelphia Convention (1787), 6
 Podgorny N., 14, 68
 Poland, 92, 96, 97
 Pravada, 67
 Queen of Great Britain, 14, 64
- Rhineland, 97
 Roosevelt F. D., 49
 Russell (Bertrand), 29
 Russo-Japanese War (1904-05),
 23
- Sakharov (Andrei), 29, 31, 43
 Sathe R. D., 97
 Schapiro Leonard, 60, 68
 Senate (U.S.), 54
 Second World War, 50, 92, 95,
 96
 Separation of Powers, 17-18
 Siberia, 65
 Soviet Writers' Union, 68
 Stalin J. V., 3, 4, 6, 14, 22, 30,
 45, 54, 61, 64-67, 69, 77,
 92
 Sudetenland, 97
 Supreme Court (U.S.), 88
 Switzerland, 17, 19
- Thailand-China Friendship
 Association, 98
 Teng Hsias-ping, 97
 Third Reich, 12
 Third World, 96
 Third World War, 98
 Topornin (Boris), 50
 Trotsky L. D., 67
- United States, 6, 17, 18, 28, 38,
 51, 88, 91
 U. N., 49, 93, 95
- Vyshinsky A. Y., 3, 5, 6, 11,
 18, 26, 52, 61, 64, 84
- Warsaw Treaty Organisation, 96,
 97
- Zukhov (Marshal), 65, 66
-

